

立法會

調查廣深港高速鐵路香港段建造工程延誤的 背景及原委專責委員會

第六次研訊的逐字紀錄本

日期： 2015年7月15日(星期三)
時間： 上午9時30分
地點： 立法會綜合大樓會議室3

出席委員

廖長江議員, SBS, JP (主席)
謝偉銓議員, BBS (副主席)
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證人

公開研訊

香港鐵路有限公司行政總裁
梁國權先生

Legislative Council

Select Committee to Inquire into the Background of and Reasons for the Delay of the Construction of the Hong Kong section of the Guangzhou-Shenzhen- Hong Kong Express Rail Link

Verbatim Transcript of the Sixth Hearing
held on Wednesday, 15 July 2015, at 9:30 am
in Conference Room 3 of the Legislative Council Complex

Members present

Hon Martin LIAO Cheung-kong, SBS, JP (Chairman)
Hon Tony TSE Wai-chuen, BBS (Deputy Chairman)
Hon LEE Cheuk-yan
Hon CHAN Kam-lam, SBS, JP
Hon Claudia MO
Hon Michael TIEN Puk-sun, BBS, JP
Hon Frankie YICK Chi-ming, JP
Hon WU Chi-wai, MH
Hon Gary FAN Kwok-wai
Hon Charles Peter MOK, JP
Hon TANG Ka-piu, JP
Ir Dr Hon LO Wai-kwok, SBS, MH, JP

Member absent

Hon CHAN Han-pan, JP

Witness

Public hearing

Mr Lincoln LEONG Kwok-kuen
Chief Executive Officer, MTR Corporation Limited

主席：

我們現在請證人進場。

OK。首先歡迎各位出席"調查廣深港高速鐵路香港段建造工程延誤的背景及原委專責委員會"的第六次公開聆訊。今天向專責委員會作證的證人是香港鐵路有限公司行政總裁梁國權先生。專責委員會已同意梁先生的要求，可有陪同人士出席研訊。梁先生的陪同人士為港鐵公司的外聘法律顧問金杜律師事務所炳辰先生；港鐵公司首席法律顧問包偉明先生；港鐵公司總經理——公司事務王美琪女士；以及港鐵公司經理——特別職務吳嘉華先生。

我請大家注意，上述所有陪同梁國權先生出席的人士均不可向專責委員會發言。

我想提醒證人，本專責委員會沒有獲得立法會授權行使《立法會(權力及特權)條例》(第382章)第9(1)條的權力，所以證人不受第382章賦予證人的特權所保障。在訊問過程中，根據第382章第18條的規定，對專責委員會提出在研訊主題上具關鍵性的問題，蓄意給予虛假的回答，或向專責委員會提交虛假、失實、捏造或捏改的文件，而意圖欺騙專責委員會，即屬犯罪。但我相信證人會真誠地協助委員會的工作。

專責委員會已經制訂本身的《工作方式及程序》，我請大家留意以下幾點。首先，第382章所訂的議員特權，只適用於研訊的過程。所有議員，包括非專責委員會委員的議員，都應該避免在研訊過程以外的場合發表與研訊有關的意見。另外，我想藉此機會提醒旁聽今天研訊的公眾人士及傳媒，在研訊過程以外場合披露研訊中提供的證供，將不受第382章所保障。所以，如有需要，各位人士及傳媒朋友應就他們的法律責任徵詢法律意見。

在稍後的程序中，我會要求證人就他曾經向專責委員會提交的書面陳述書和文件作出確認，把陳述書和文件納入為專責委員會的證據。另外，專責委員會已決定，所有經專責委員會考慮並同意可公開的文件，上載至立法會網頁，供公眾查閱。

我現在宣布研訊開始。

梁先生，你曾於2015年6月29日向專責委員會秘書提供一份證人陳述書的英文版本，並在2015年7月7日提交該份陳述書的中文版本，即專責委員會文件第W9(C)號。你現在是否正式向專責委員會出示該份文件，即該份證人陳述書，作為證據？

香港鐵路有限公司行政總裁梁國權先生：

是，主席。

主席：

為方便列席的公眾人士及傳媒跟隨專責委員會的程序，我們會應他們的要求將閣下的陳述書向他們公開。你對你的陳述書有沒有即時補充，梁先生？

香港鐵路有限公司行政總裁梁國權先生：

主席，各位議員，多謝大家給予機會讓我補充更多資料。首先，不好意思，我的中文不太好，為了可以準確表達我的意思及清楚回答大家的問題，請容許我以英文作陳述。

主席：

是，梁先生，這是沒有問題的，你可以選擇以中文，即廣東話、普通話或英語作答，我們是有即時傳譯。但由於這是公開聆訊，可能會有公眾，亦會有轉播，諸如此類，所以我會以廣東話提問，即我們的交流我會以廣東話進行，而你可以選擇用普通話、廣東話或英語作答。好嗎？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

謝謝主席。Honourable Chairman and Committee members, thank you for allowing me the opportunity to say a few words. My written statement submitted to the Select Committee covers the following areas relating to your investigation, namely, firstly, the Corporation's role and responsibilities under the Entrustment Agreements signed with the Government. Secondly, our management systems and procedures set out in the Corporation's Project Integrated Management System, or PIMS, which has successfully delivered a number of new rail projects in Hong Kong and beyond over the last 20-plus years. As you know, the Corporation is required to follow our system under the Entrustment Agreements for the

Express Rail Link Project. And, thirdly, the extensive channels of communication with the Government throughout the Express Rail Link construction and the monitoring mechanisms in place.

Before I take your questions, I would like to briefly touch on a few points. First of all, I would like to apologize that MTR did not until April of last year provide the Government, the Legislative Council and the public with an updated assessment of the completion date of the Express Rail Link Project. As a result, our announcement of the delay in April 2014 understandably caused public concern.

The question that is often asked is: why did we not provide an updated assessment at an earlier time? In April of last year, I was serving as the Corporation's Deputy CEO, primarily responsible for continuing the growth of our businesses outside of Hong Kong. But since being appointed as Acting CEO in August of last year and later as CEO in March of this year, I have spent a lot of time focusing on this important project. Having talked to our staff and outside experts in the construction industry, as well as visiting the different works sites, the answer to that question has become clearer to me. Although delays to particular contracts were well known and communicated, we were too optimistic on the overall ability to catch up with the original timetable.

As we all know, the Express Rail Link is a large and immensely complex project. It is the world's first all-underground high-speed rail project. At the terminus site in West Kowloon, in the heart of an extremely busy urban area, we are undertaking one of the largest and deepest excavations ever in Hong Kong to build a four-storey underground structure with the lowest level being located 30 metres below ground. The 11-hectare West Kowloon site area, which as mentioned in the Government's Independent Expert Panel Report, is approximately the size of 15 football fields. The main public area of the terminus incorporates a large atrium with a steel-framed Station Entrance Building. The total construction area of the station, all of which is underground, is around 380 000 square metres, almost two-thirds of the floor area of Terminal 1 at Chek Lap Kok Airport.

MTR's role in the delivery of the Express Rail Link Project is as project manager to oversee the design, construction and commissioning into service of the project. Our role and responsibility as project manager are embedded in the so-called Entrustment Agreements with the Government. There are two Entrustment Agreements, the first relates predominantly to design and site investigation whilst the second, the so-called EA2, entered into in January 2010 predominantly relates to our role to oversee the construction and

commissioning of the project including the procurement and oversight of contracts with third parties.

Under both Entrustment Agreements, which require MTR to use our project management systems, we are to carry out our services as project manager with reasonable skill and care and are to use our best endeavours to bring the project forward as well as to provide regular updates and progress reports to the Government. Under EA2, both the Entrustment Programme and the Entrustment Cost are estimates which may be subject to modifications in accordance with the contract.

Before construction commenced, site investigation works were carried out as far as possible. In particular, the site investigation that was undertaken at the West Kowloon Terminus not only complied with the Government guidelines, but also exceeded industry norm. While delays are common for complex construction projects such as the Express Rail Link, throughout the construction, we did everything we could to reduce the effects of any delay.

As highlighted by various independent experts who have looked into the Express Rail Link delay, many issues have impacted the construction programme, including challenges which were identified but proven to be much more serious than anticipated, such as unfavourable ground conditions and the acute labour shortage in the local construction industry. In addition, other key contributors of delay include issues with our Tunnel Boring Machines, the TBMs, and a fast-tracked front end preparation and late site possessions. To overcome these issues, we instructed the contractors to carry out a large number of delay recovery measures. And with good results achieved by some of these remedial measures, we became too optimistic on the overall timetable to complete the project.

Eventually, continuing delays in several critical contracts meant that the original project completion date could not be achieved. Although the challenges and delays on individual contracts were well communicated to the Government, over-optimism led to a belief that the original overall project completion date could still be met.

From the Express Rail Link events of last year and taking the recommendations of the Independent Board Committee of our Board of Directors, we have over the past year, introduced enhancements to strengthen our monitoring and reporting of the project, including the following.

Firstly, we have established the Capital Works Committee at Board level to improve monitoring of the construction of new projects and to extend

more support to the project teams. In addition, to strengthen corporate governance, the MTR Board has also established the Risk Committee. We have implemented improved internal project reporting processes and mechanisms within the project team, as well as to the Executive Committee, the Capital Works Committee, the Board and to the Government. We have also enhanced external reporting to the Legislative Council. We have established enhanced communication channels with the Government and also with senior management of key contractors. And we have reviewed the report by the Independent Expert Panel appointed by the Government and we will support the Government in any follow-up actions which they may require.

Recently, after extensive and detailed review and taking into account the IBC experts' methodology, a revised programme and cost estimate has been submitted to the Government. With the permission of the Government, we have reported the details of this review to the Legislative Council Transport Panel's Subcommittee on Matters Relating to Railways on 3rd July 2015. The project is now over 70% complete. While there are still challenges in the remaining construction works, we will, as always, continue to use our best endeavours to deliver the project according to the revised timetable.

The Corporation's project team is highly professional and experienced, and has a proven track record in the construction and commissioning of new railway projects. The hard-working women and men in the team continue to do their utmost and put in tremendous efforts to overcome challenges. We work promptly and responsibly with the project contractors in an effort to mitigate delays when they occur, looking at what is in the best interest of the project, both from the schedule and cost perspective.

Mr Chairman, I am grateful for the advice which Honourable Members of the Legislative Council and the public have given us. We will continue to work with the Government to deliver the Express Rail Link in a timely and cost-effective manner.

Thank you, Chairman and members.

主席：

梁先生，我相信我們這個委員會都很明白這是一個很龐大而複雜的基建工程。你會否將你剛才的開場發言稿出示給委員會，作為證據的一部分？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Yes, I will, Chairman.

主席：

好，梁先生。港鐵公司也曾向專責委員會秘書提交了5份文件，即專責委員會文件第MTR1、MTR2、MTR3、MTR1(C)及MTR2(C)號。你現在是否正式向專責委員會出示這些文件作為證據？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Yes, Chairman.

主席：

我提醒各位委員，根據專責委員會的《工作方式及程序》第15段，在公開研訊中，委員只應為確立與此次研訊有關的事實而提問。委員不應在公開研訊中發表意見或作出陳述。我會決定某條問題或某項證據是否與專責委員會的職權範圍有關，以及是否屬於研訊範圍。我作為主席亦有酌情權，決定某條問題是否屬於跟進問題，以及應否容許委員提出該條問題。另外，每名委員的提問時限，包括證人的回應，都跟以往一樣是10分鐘。

就今天的研訊，我想先問梁先生第一條問題。梁先生，根據港鐵公司2014年年報及閣下的陳述書第3段及第4段，閣下於2002年2月加入港鐵公司出任財務總監，從2002年起一直出任執行總監會成員，並於2008年5月，閣下的職銜更改為財務及業務拓展總監，同時負責開拓港鐵公司在中國內地及海外的業務。在2012年7月起擔任副行政總裁及於2014年8月起擔任署理行政總裁，並於2015年3月16日起獲委任為行政總裁及董事局成員。

你可否向專責委員會簡單描述，作為港鐵高層及執行總監會成員，你認為高鐵香港段建造工程為何出現延誤？我們看過，梁先生，我跟你說，我們很詳細看過你的證人陳述書及你

剛才的開場發言稿，如果可以的話，請簡潔回答這個問題。謝謝。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Thank you, Chairman. As Chairman had mentioned, back in ... from May 2008, I was appointed as Finance and Business Development Director of MTR, with responsibility for the financial management of the Corporation and from July 2012, I was then appointed as Deputy Chief Executive Officer, with responsibility ...

主席：

梁先生，你不需要重複我問題的內容，簡潔回答我的問題便可，謝謝。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Chairman, the reasons for the delay in the construction of the Express Rail Link are, I think, well highlighted in the various reports of our Independent Board Committee and their experts as well as in the IEP Report. These reasons were also highlighted in our paper to the Legislative Council back in May of last year as well as, more recently, early July of this year.

In summary, there are a number of factors that led to the delay. A number of these factors relate to the overall situation and circumstances affecting the whole construction industry. One of these factors, which relates to the whole construction industry, is the shortage of labour, as highlighted in the IBC Report. Overall, across our then five new rail projects, there was a shortage of roughly 20% in terms of labour.

A second factor that is highlighted in the IBC and various other reports is the difficult ground conditions. Although there was significant site investigation done prior to the commencement of construction activities, when one is working underground, there is always, unfortunately, the very, very significant probability of the ground condition being much worse than original envisaged. This happened with the Express Rail Link and it has also happened in a number of our other rail projects, as well.

A third factor that was highlighted by our IBC experts is the relatively short front-end preparation of the project.

A fourth factor that was highlighted by our IBC experts, as well as commented on by the IEP experts, is the very complicated utilities diversions, particularly in the West Kowloon Terminus site. As you know, there are myriads of utilities under Jordan Road and in that area. In the construction of that West Kowloon Terminus, the diversion of the utilities needs to be done very prudently and carefully to ensure that there is no disruption to utility services.

The lack of labour, the shortage of labour, also, was a contributing factor to a further cause, which is the low productivity rate that we saw across virtually all the contracts in the Express Rail Link Project.

主席：

我想跟進問一問，我們知道港鐵公司委任了6位獨立非執行董事組成一個調查小組，他們亦提供了，我覺得是一份報告，但它分為兩個部分。他們有兩位獨立專業人士提供協助，我相信是關於技術上的問題，是嗎？我想問一問，這兩位獨立專業人士提供的是有償服務，還是無償的義務服務？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Chairman, the two experts and their assistant, in fact, there were three experts. The two experts and their assistant, who was the third expert, were paid a fee by MTR. However, the experts were chosen by the Independent Board Committee of MTR.

主席：

明白。我想問的是，你也會同意，所有公司董事，不論是執行董事或執行董事，他們都對公司有忠誠的責任，fiduciary duty，是嗎？他們也要基於公司的最大利益行事，即act in the best interests of the company。我相信你也確認他們是有這項責任的，是嗎？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

I can confirm that, Chairman.

主席：

是，我想問一問，證人陳述書提及兩份報告，一份是剛才我說的非執行董事調查小組的報告，另外一份是由特首委任的專家小組報告。我們都知道特首委任的專家小組成員包括香港特區終審法院的非常任法官夏正民及兩位海外專家。相對之下，特首的專家小組報告比貴公司的非執行董事報告，對貴公司及政府提出的批評更為尖銳。我看見你的證人陳述書大篇幅引述貴公司的非執行董事報告，但對特首專家小組報告的內容卻並無任何引述，只是略略提及。

你可以解釋一下原因嗎？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Thank you, Chairman. In fact, the IEP Report also has made reference, in their report, to the IBC experts and I believe that they have also noted that the recommendations from the IBC experts are very much in line with and in accordance with the IEP experts' recommendations, as well.

Chairman, we have, as members know, co-operated fully with the Government and the IEP experts in their compilation of the IEP Report. We have given our views to the Government on the IEP Report. There are areas where we take a different view from the IEP Report.

主席：

所以你較少提及你所說的IEP Report，是否這個意思？但你完全接受非執行董事的報告，即貴公司自己的內部報告你便完全接受？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Chairman, in the IEP Report, there is a Factual Annexure from PricewaterhouseCoopers. I think most of the facts in that Factual Annexure we accept as being factually correct.

主席：

明白。對於特首委任的專家小組報告的內容，我知道他們的結論conclusions，你可能會有不同意的地方，但在事實根據方

面，即 fact finding 方面，你是沒有異議？該報告在事實確認方面沒有冤枉港鐵公司，是嗎？我這樣說，對嗎？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Mr Chairman, the facts as stated in the Factual Annexure from PricewaterhouseCoopers, in my view, are factually correct. There may be different interpretation of some of those facts.

主席：

好，明白。下一位是盧偉國議員。

盧偉國議員：

多謝主席。

主席，我想問，因為高鐵香港段的獨立專家小組報告中第7.4段建議，為工程項目釐定基線參數的程序，應該包括進行定量風險分析，關於工程計劃及成本一環。就此建議我想問，港鐵公司其實有否進行任何定量風險分析，以確定工程項目各種不理想的地質情況，或其他可預計或不可預計的困難，然後考慮這些可能存在的風險如何影響工程預算、施工時間？如果曾進行分析，可否提供有關詳情？

在技術上有一些例子，譬如西九龍總站地底的情況，挖掘大量的岩石、土方，亦須使用相當大量的混凝土，也有大量用作頂部結構的鋼材等等。在此方面，其實港鐵公司有否向政府當局匯報有關的困難及挑戰？

另外，第三個問題，正如剛才梁先生回答主席的問題時，也提到這些地質情況。這些都是引致延誤的重要因素之一，在此方面是否反映工地勘察工作做得不夠全面、不夠仔細呢？

第四個問題，正如梁先生的陳述書第31段所述，高鐵項目原定的預計工期大約是5年半，即由合約開始的2010年1月26日至2015年8月4日的預算移交日期計算。此完工期是否也反映第二份獨立董事委員會報告的附錄第1.26段所述，"施工進度安排過於進取"？請梁先生先回答這幾個問題。

主席：

梁先生，請。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Thank you, Honourable Member, for those questions.

The first question, which relates to the IEP Report and highlighted in paragraph 7.4 of the IEP Report, regarding the so-called quantitative risk assessment, I firstly say that our project team, and MTR in our projects works, we have detailed procedures in place to identify risk relating to both the project programme, the so-called schedule, as well as the project cost. This is all under our so-called PIMS project management system which, as members also know, is the system that, under the Entrustment Agreement, we have to use. Our procurement and contracts colleagues and their management and documentation, respectively, also includes significant ... also includes risk assessment.

We consider that these risk assessment, risk mitigation measures are generally fit for purpose in managing these major projects, such as the Express Rail Link. And, in fact, these risk mitigation processes have been used for a number of projects previously. We have in place a qualitative ... we had in place and continue to use a qualitative risk assessment, which is part of our overall risk assessment process.

主席：

盧偉國議員。

回答完了嗎？

盧偉國議員：

或者請梁先生繼續回答我餘下幾個問題，剛才問的幾個問題，他剛剛只回答了風險分析的部分。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Chairman, perhaps, I can answer the Honourable Member's other questions as well. The second question is with regard to reporting to the Government. As members know, there is very extensive reporting to the Government. There is a ... and the processes and the meetings are well set-

out in the various documents which are in the public domain, the Independent ... the IEP Report, the Government's IEP Report, as well as our IBC Report. The difficulties with ground conditions, the difficulties on individual contracts, the delays on individual contracts are well documented that all these are well reported to the Government in these various meetings, as both formal and ad-hoc meetings, which have been taking place throughout the period from the start of construction or from the signing of the Entrustment Agreement for the Express Rail Link.

Chairman, perhaps, I can go to the Honourable Member's third question. The third question is with regard to site investigation and the adequacy of site investigation. Chairman, as I have mentioned, we did extensive site investigation prior to the commencement of construction. The site investigations were done both at the West Kowloon Terminus as well as, to the extent possible, along the alignment of the tunnel.

I mentioned that, at the West Kowloon Terminus, we were drilling holes, bore holes, for site investigation, at a spacing of 14.4 metres apart. This spacing is in line with the relevant Government guidelines and, in fact, the spacing is much closer and, therefore, of a higher standard than the industry norm. However, as members are aware, and highlighted in both the IEP and the IBC Reports, due to vertical formation of the bedrock at the West Kowloon Terminus site, even with closely-spaced bore holes, it is still possible and likely that weak seams of rocks and subsurface boulders will be missed. Also, variable rock-head in several locations resulted in excessive rock having to be removed to meet the requirements of the rock quality for the panels on which the West Kowloon Terminus diaphragm walls were built.

I would further add, Chairman, that, in the West Kowloon Terminus site, because of constraints of the site, there were areas, and relatively sizable areas in some cases, where site investigation cannot be done. A good example of this is the area under Jordan Road. Because of the very busy traffic on Jordan Road, there was very little possibility of closing the road for site investigation. Also, at the golf course, we did ... the old golf course, we did site investigation in the car parking areas.

In addition to the site investigations that were done at the West Kowloon Terminus site, we also did quite extensive site investigation along the tunnel alignment. There is 20-odd kilometres of tunnel from West Kowloon to the border of Shenzhen. That site investigation used both drilling of holes along the alignment as well as a relatively ... a technique that is not commonly used in Hong Kong; it is a horizontal ... drilling holes would be vertical. It is a horizontal methodology whereby, using horizontal drilling, we were testing the rock formation, particularly under two mountain areas.

So, in terms of the work done on the tunnels, there were 400 bore holes drilled and, for the one kilometre of tunnels under the hills, the mountains, we did this so-called ... used this unconventional approach of horizontal and directional site investigation.

So, Chairman, that answers the third question.

The fourth question was on the original schedule. Chairman, I would firstly say that there was a significant amount of work done back in 2009, and prior to that, looking at the schedule, the timetable, to complete the project in 2015. There were many experts involved in looking at that timetable. The final conclusion was the timetable to complete in 2015 was tight but it was a doable, it was an achievable, timetable.

Thank you, Chairman.

盧偉國議員：

主席，請允許我繼續。

主席：

盧偉國議員，有沒有跟進？

盧偉國議員：

好，有一個跟進問題，然後再有一些新的問題。我認為在這方面取證是重要的。跟進問題是，剛才梁先生也說了，其實港鐵公司在此工程項目中一直沿用定量風險分析的方法，我亦問及可否提交這方面的詳情。我相信，既然你是不斷在做，要你提供全部定量風險分析的報告也是不可能的。但譬如當初最早釐定5年半合約期的時候，所做的定量風險分析為何？有否因而預留一些彈性？或者讓我們知悉這方面的詳情，可以嗎？

新的問題其實也有關連，因為剛才提到很多是前期的工作、評估等等，當然牽涉到項目計劃第一部分的協議。根據梁先生的陳述書第40及42段，以及獨立專家在第二份獨立董事委員會報告附錄第3.12及3.13段所載，相對於性質類似的工程，高鐵項目計劃的前期工作較一般預期為短，由行政會議通過支持政策，到簽署第二份委託協議，整個過程只花了21個月，較國際標準的平均37個月為短。

所以，我想問梁先生，以高鐵香港段這個項目的規模，前期工作只花了21個月，是否嚴重不足？因為此事與剛才提到的前期勘探或分析有關，時間上是否不足夠？

另外的問題是，你的陳述書第32段提到，考慮到高鐵如此複雜的工程會有延誤風險，所以在第二份委託協議並無施加須在2015年8月4日前完成高鐵項目的絕對義務。第二份委託協議有否說明，假如港鐵公司不能於2015年8月4日或之前完成高鐵項目，會有何後果或懲罰？這亦是否意味着港鐵公司在工程未開始之前已預計會有延誤，因此不能在2015年8月4日前完成此項目是屬意料之中？

主席，請梁先生回答。

主席：

梁先生，請。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Thank you, Chairman. Thank you, Honourable Member, for those questions. On the first question, can I supplement to say that, on the schedule, on the timetable, what MTR, what we use, in terms of our risk management, before last year, before twenty ... up to 2014, would be a qualitative, not a quantitative, risk assessment from a timetable perspective. We do use quantitative assessment in terms of cost. I would just like to supplement that, Chairman.

As I mentioned, the PIM System, which incorporates this qualitative risk assessment, has been reviewed by a number of experts back in 2009. I will not repeat what the experts have said. The experts' comments, which include comments of saying that the PIMS is robust, are well documented in the IEP and the IBC Reports. So the risk management processes are embedded in the MTR processes that were reviewed back in 2009.

Chairman, perhaps, I can go to the member's second question which, once again, talks about site investigation. I would say that, as highlighted just now, there was extensive site investigation done in that preliminary period. In fact, once again, as highlighted, the site investigation was based on ... was meeting guidelines of the Government and, in fact, even at a ... even the holes were drilled closer so at a higher standard than what is the industry norm. Using the horizontal and directional site investigation for the tunnels is

something which is rather unique and not many entities would use that but we did use that for the purposes of our site investigation. So, I would say that, in terms of site investigation, there was a very significant amount of work done.

With regard to the member's third question, which is on our project management, the MTR, we take our responsibility as project manager under the Entrustment Agreement very, very seriously and the responsibility as well as the liability of the project manager, MTR, is well set out in the various public documents and, in particular, the IEP document with regard to our role and our responsibility.

So, Honourable Member, Chairman, I have not much to add beyond what is in the IEP Report on that.

主席：

OK。

盧偉國議員：

主席，讓我很快的跟進兩件事。

主席：

好。

盧偉國議員：

第一，我也聽到剛才梁先生說，或者早期曾進行一些未必是定量的風險分析，但都屬於風險分析的工作，所以我剛才問的是，這些風險分析與訂定施工完成的目標之間有何關係，可否就此提供書面解釋。我還是有這項要求。

另外要跟進的是，似乎梁先生沒有直接回答，第二份委託協議有否訂明，假如港鐵公司不能於2015年8月4日或之前完成高鐵項目，會有何後果或懲罰？他沒有直接回答這點。我不知道梁先生可否給予比較直接的答案。

主席：

梁先生，可否提供有關的書面陳述及直接回答有關後果的問題，即如果2015年8月4日之前不能完成，會有甚麼後果？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Chairman, if I may, I would just like to respond to that question. Under the Entrustment Agreement, as members are aware, both the schedule, the 2015 ... the August 2015 schedule, as well as the estimated cost, these are estimates and I would stress the word "estimates". There are provisions in the Entrustment Agreement and these provisions are well highlighted in the Government's IEP Report in the Factual Annexure. The Entrustment Agreement has provisions to amend and adjust these estimates. So, when the Entrustment Agreement was entered into in 2010, it was on the basis of MTR being a project manager with an estimated ... with an obligation to use best endeavours, as a project manager, based on an estimated timetable and an estimated cost to complete. There are provisions to adjust that.

主席：

是，我想我們清楚你的答案。梁先生，或者你可否說一說你會否提供陳述書，即盧偉國議員所要求的第一部分。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Chairman, can we go back and consult with my project colleagues on this?

主席：

是，或者你與委員會的秘書溝通一下，好嗎？

OK，謝謝。

下一位是謝偉銓副主席。

謝偉銓議員：

多謝主席。

高鐵的完工日期其實原定為2015年8月，但根據過往資料顯示，工程開始時已經出現一些延誤。根據梁先生的陳述書第122(i)段所載，除了前行政總裁韋達誠及前工程總監周大滄外，其他執行委員會的成員是於2014年4月12日才獲前工程總監告知高鐵延誤一事，而在此之前他們並不知悉項目工程時間表會延誤至2017年。就此，我想問梁先生，港鐵董事局是否同

樣在去年4月12日才知悉工程延誤？如是，是否有人延遲向董事局匯報或按當時的機制來說，其實董事局應該是不能夠知道或不會知道？第一個問題，謝謝。

主席：

梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Thank you for that question. As well highlighted in the IBC and the IEP Reports, the first time the Board of MTR knew about the delay was in April 2014, after the announcement of the delay in the public domain.

謝偉銓議員：

主席，我想跟進。

董事局其實並不清晰工程方面的延誤，是直到2014年4月12日才知悉，但根據文件表示，工程之前亦出現不少滯後。這種做法，我想問梁先生，因為根據港鐵公司及政府簽訂的委託協議，港鐵公司須盡最大努力如期完成工程，包括根據工程總造價方面盡最大努力如期完成工程。但董事局也是在工程進行了這麼多年後，才突然知悉工程一遲就會延至2017年年底才完成。我想問梁先生，以你的看法，港鐵公司是否已盡最大努力完成任務、目標？抑或是港鐵公司覺得根據委託協議，只要港鐵公司盡了努力便不需要負上責任？第一，港鐵公司有沒有盡最大努力。另外，由於港鐵公司對於工程延誤及超支不需要負上責任，所以董事局是否根本沒有決心監控整項工程的進度，而任由某些管理人員自把自為呢？謝謝。

主席：

梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Thank you, member, for that question. I will firstly say that MTR, throughout the Express Rail Link Project, we have been using our absolute best endeavours. We have done everything we possibly can for the Express Rail Link Project and continue to do so.

We have, right now, 750 very hardworking women and men who every day are working hard to deliver this project, based on the revised schedule and in the most cost-effective manner. In fact, the professionalism and the expertise of the MTR team in their approach to the Express Rail Link Project was well highlighted by both the IEP, in their report, as well as the IBC. I think our IBC experts complimented the high level of professionalism and the high level of professionalism of our colleagues overseeing the Express Rail Link Project and the fact that they were not just working hard but doing their utmost to overcome difficulties as those difficulties arise. In fact, the IEP experts, the Government's own IEP experts, commented that the MTR management of individual contracts was ... I will use the word, and this is their word "exemplary". It was exemplary.

The Express Rail Link is a very complex ... a large, complex project. I think we have highlighted the complexity a number of times throughout my introductory remarks, as well as in our written statement. Throughout that project, as I mentioned, the team were doing their utmost to catch up with delays. The individual delays of contracts need not mean an overall delay in the project. The team ... the individual delays in particular contracts were well communicated to all concerned, including the Government in the regular meetings with the Government.

At all times, the project ...

主席：

梁先生，請直接一點回答謝偉銓副主席的問題，他的問題不是說你們的team有沒有盡最大責任，而是董事局的態度是否因為他剛才所提的兩個原因，沒有認真監察工程的進度。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Thank you for that clarification, Chairman.

主席：

是董事局。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

I would stress that the Board took their responsibility, the Government's responsibility, extremely seriously. There is regular reporting from the

Projects Director and the previous Projects Director to the Board at Board meetings where updates of the progress of the Express Rail Link were discussed. In addition, there were half-yearly updates by the then ... the former Projects Director on the progress of, amongst others, the Express Rail Link Project. And, in fact, there was well-documented, in the IBC Report, questions and comments which were made by Board members as they followed the progress of the Express Rail Link.

謝偉銓議員：

主席，我想有一件事情很清楚，便是港鐵董事局其實到了2014年4月12日才知道高鐵工程會延誤至2017年年底。另外，我想跟進問一問，很簡單，就是根據匯報機制，另外設有執行委員會。執行委員會是否只是較公眾早數天或兩三天，才知悉工程要延誤至2017年？對於工程延誤至2017年，他們其實都被蒙在鼓裏？

主席：

梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

With regard to the Executive Committee, as members are aware from the reports and my written statement, the Executive Committee is a committee predominantly of the Executive Directors plus one or two other members ...

謝偉銓議員：

主席，我想簡單一點。

是否真的只是較公眾早兩三天才知道高鐵工程要延誤至2017年？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

This, also, as well highlighted in the IBC Report, the answer is yes. The Executive Committee, apart from the Projects Director, only knew about the delay back in April of 2014.

謝偉銓議員：

OK，謝謝梁先生。

主席，我想跟進一下，較早前梁先生在陳述書或其開場發言中都有提及高鐵工程是複雜的。另外，我也聽到導致延誤的幾項重要因素，包括地質、需要確定或移除一些地底設施、建造業勞工短缺問題，以及最後提到有些地盤的交收出現延誤。我想問，第一，其實在制訂工程時間表或造價時，原則上都知這些問題，只不過細節可能相對不足夠。聽你剛才所說，地質方面較預期複雜。我想問，因為高鐵工程開始時，或多或少，某些合同的進度都有滯後。大家都知道，如果剛才我說的那4點會影響工程完工，甚至造價，我便想問一個問題。港鐵公司是在工程開始之前簽訂委託協議，但在動工之後，港鐵公司就此4個問題究竟採取了甚麼行動或做了些甚麼，以減少這4個問題對工程造成的影響，或令一些未知因素，包括地質問題，可以更清晰，使港鐵公司可令大家認同其已盡了最大努力符合委託協議所訂定的時間表及造價？

謝謝主席。

主席：

梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Now, thank you for that question. As the Honourable Member rightly said, it is a very complex project and there was a lot of preliminary work done, including site investigation done. The Honourable Member mentioned the ground condition difficulties, the interface difficulties, as amongst the difficulties causing the delay.

I would firstly say that the team in their diligent work to overcome these difficulties and challenges, a number of so-called delay recovery measures were instructed by the team to the contractors to try to overcome these delays when they occur. The successes of these delay recovery measures ... of a number of these delay recovery measures ... are well highlighted in my written statement as well as in the public documentation. It is my belief that, because of, and as I mentioned, particularly because of the early successes of these delay recovery measures, that led the team and

individuals in the team to become optimistic and, perhaps, over-optimistic on the ability to achieve the overall programme and timetable.

謝偉銓議員：

主席，我想問一問，剛才梁先生也提及他們曾做了這些工作，他可否作出比較詳細的說明，解釋港鐵公司在這方面做過甚麼，譬如剛才說的地質問題。最初在工程勘探方面遇到一些問題，但工程進行時，他們有否就此作出補救，使他們能更清楚知悉地質問題或其他如地底設施等問題。我不知道梁先生能否在這方面向委員會詳細說明港鐵公司所採取的做法，或者是已就此方面執行的一些具體做法。謝謝主席。

主席：

梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Thank you, Chairman. In fact, there are a number of examples, both in the paper which was submitted to the Legislative Council in May of last year as well as in my written comments. I would supplement that, for instance, a number of these measures, as one of our delay recovery measures, there were so-called H-piles which were driven into the ground. Unfortunately, those H- ...

謝偉銓議員：

主席，之前已經提供的資料就不需要再提供了。如果梁先生想再作補充的話，那麼，剛才我亦問過，譬如地質情況如此重要，大家都知道存在很多未知因素，最初說局限於很多問題，可能是採樣本方面的問題，但之後有否採取一些補救措施，使大家更清晰，有信心根據委託協議完成目標？這方面有沒有做呢？如果有，可以提供資料讓委員會知悉；如果沒有，或者之前已經提供所有資料，我們也會清楚。

謝謝主席。

主席：

在這方面有沒有相關的文件可以補充？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Chairman, Honourable Member, can I consult our project team and come ... and revert to the Secretariat? There were many ...

主席：

不是說甚麼報告，而是就地質研究採取了甚麼措施，對地質方面可能會引致的延誤採取了甚麼措施，是有關這方面的文件。

下一位是.....或者你就這件事與委員會秘書聯絡，好嗎？

謝謝你。

下一位是胡志偉議員。

胡志偉議員：

多謝主席。

我想短問短答。第一，是董事局的責任。他們似乎是到了很後期才全面掌握高鐵事件的情況。我想問，如果不是以委託協議形式，因為港鐵公司做了很多鐵路工程，就其他 project 而言，是否跟高鐵項目一樣，董事局一直只大概知道 project 會否 delay，而不知道成本會否 overrun 的問題呢？我的意思是，簡單來說，關於高鐵的管理工作，港鐵董事局所得到的資訊是否與港鐵公司其他正常的 project 一樣的？

主席：

是，梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Now, thank you for that question.

Firstly, I would say that MTR treats the Express Rail Link with the equal degree of diligence and oversight as any other of MTR projects. The reporting to the Board, the reporting to the Executive Committee, uses the same process and procedures. Of course, with the so-called service concession projects, being the Express Rail Link and the Shatin to Central

Link, there were also amendments to those procedures to take account of the requirements of the Government. But the diligence, the oversight, the responsibility over the Express Rail Link Project is the same as all the other MTR projects. It was a very significant degree of oversight.

胡志偉議員：

我想澄清，在 Entrustment Agreement 中，經常採用 "delay" 一字，即 "延誤" 是經常出現的詞彙，但超出原來預計成本一事，董事局似乎不大關心。我想問，就港鐵公司的其他鐵路工程，董事局是否以同樣的態度關心工程會否延誤及超支，比重是否相同？

主席：

梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

I can say that the Board is given the same amount, same type, of information on all projects, be they service concession projects under Entrustment Agreements or be that projects using any other models, for instance, the South Island Line or Kwun Tong Line Extension. The information and the discussion would be at that same level.

胡志偉議員：

OK，即是說董事局就高鐵工程所做的工作，與董事局在其他鐵路工程的工作完全一樣？

主席：

梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

From my attendance at Board meetings, yes, it is the same degree of diligence, the same degree of reporting, the same degree of assessment.

胡志偉議員：

可否提供你們就相類似的鐵路工程的匯報資料及基礎，讓我們可以互相對照？即類似的鐵路工程及高鐵的匯報文件。

主席：

是哪方面的資料？

胡志偉議員：

剛才我說是董事局得到，因為剛才梁先生說董事局所得到的資訊是完全一樣的，無論是高鐵工程或港鐵公司自己的鐵路工程。

主席：

是，我明白。但你不會要他把以前的工程所有相關文件都呈上來吧？

胡志偉議員：

我想做參考和比較。

你可以隨便選一條鐵路線，譬如南港島線，用南港島線與高鐵作比較，港鐵董事局所得到的資訊。

主席：

好，梁先生，請回答。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Chairman, my ... can I seek a ruling from Chairman on whether the disclosure of information relating to other lines, non-Express Rail Link lines, has relevance to this committee?

主席：

是有關的，因為"原委"的相關事宜牽涉範圍可以很廣。他現在問的是，是否有同等的，在這項工程的延誤及延誤引起的超支方面，是否與其他工程獲得同等對待，他想作出比較。

是嗎？

胡志偉議員：

沒錯。

主席：

我想你不需要把文件交出來，這個問題你剛才都說過，你們用一個PIMS的system做內部管理，是嗎？你們是否同樣以PIMS的管理制度監察其他工程？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Absolutely correct, Chairman. The other projects will use PIMS and the other MTR systems. As I mentioned, with the service concession projects, the Express Rail Link and the Shatin to Central Link, the Entrustment Agreements add further requirements in terms of reporting.

主席：

胡志偉議員，我覺得如果要求提供其他工程的文件，可能超越我們的職權範圍，但我明白你的問題，你的問題本身沒有超越，但索取其他工程的文件可能超越了範圍。

胡志偉議員：

主席，我請你裁決。其實我問有關問題，是因為剛才梁先生再三強調，就高鐵及其他工程項目而言，董事局所得到的資訊完全一致。我想確認這一點而已，亦希望透過董事局一些會議文件可反映這一點。

主席：

他回答了你，即匯報那些程序，關於內部監管是用PIMS，他們所謂的P-I-M-S制度去運作，高鐵也是同樣如此運作。

胡志偉議員：

主席，其實是有分別的，因為高鐵項目是以Entrustment Agreement進行。根據Entrustment Agreement，工程超支，如果出現additional cost便由政府承擔，但如果是港鐵公司自己擁有的建造

工程，出現超支則須由董事局承擔。剛才梁先生再三強調，他得到的資訊是完全一致的。我想他確認這一點，換言之，董事局並沒有因為該份 **Entrustment Agreement** 所載，若工程超支便由政府承擔這個概念，而對管理責任有所鬆懈。

主席：

或許這樣吧，梁先生，你可否提供一份書面補充資料，就監管工程方面，將高鐵項目與其他工程，即你們自己而不是以 **entrustment** 方式進行的項目，兩者作比較，看看有何相同和不同之處，然後提供書面答覆給我們，可以嗎？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Chairman, perhaps, in answer to your ... to the Honourable Member's question, I would firstly say that, as we mentioned, the PIM System, and the MTR's other systems, is a system which has been very successful in delivering rail projects in the past. It is a system that we use for all our projects; have been using that for 20-plus years. We continue to use that for our existing projects, as Chairman rightly said.

This PIM System was further audited ... reviewed by a number of third parties, both appointed by the Government and MTR, prior to the Entrustment Agreement being entered into. And this, during the course of the Express Rail Link Project, and continuing on, this PIM System is audited by a number of parties ...

胡志偉議員：

主席，不需要這樣回答。

主席：

我知道。但如果你說要索取關於其他工程的董事局文件，我沒有權力裁決，你可以向他索取，亦不需要我裁決，他可以不提供。

胡志偉議員：

明白，因為這是 P&P.....

主席：

如果你問我是否相關，我覺得你的問題是相關的，但我相信你索取的那些文件本身不太相關。

胡志偉議員：

OK。

主席：

好嗎？

胡志偉議員：

我想他至少也要提供正式的書面文件，說清楚在 cost，即成本控制及延誤上面是完全一致的。

主席：

其實你可在陳述書說明你們 PIMS 的運作情況，即每項工程均實施這制度，雖然是同一制度，同一個程式，但可能在適用、運用方面會有所不同。如果有甚麼不同之處，或者你指明讓胡志偉議員知悉，以書面形式表示出來。你能做得到嗎？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Chairman, perhaps, I could also highlight that the PIM System, the system we use overall, is the same system. However, as members are aware, back in 2009, the Government had appointed a third party, called "Lloyd's Register", who has given some views on further oversight which the Government requires on the Express Rail Link and, subsequently, the Shatin to Central Link Project. What I am referring to is this additional oversight which is on top of what we would ourselves be doing for our own projects. So this is in addition to the systems and processes we use for our existing projects. It is all the same PIM System and processes.

主席：

胡志偉議員。

胡志偉議員：

不要緊，我想都問不到答案了。

第44段提到委託協議書所載的完工日期及工程金額都是 estimates，不是 absolute obligation，但第89段的回覆指，委託協議書 "may be modified by agreement between the Corporation and the Government, or adjusted by the Corporation in the event of delay caused by one or more delaying events specified under.....即委託.....the 2nd Entrustment Agreement"。我想弄清楚，第89段所載，Entrustment Agreement是可以 modify的，但只有兩個可能性，一是 agreed by the Corporation及 agreed by the Government，或按照委託協議書中所確認可以 delay的原因而 delay。是否這樣？

主席：

梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Yes, to my knowledge, and as highlighted, I think, by the IEP Report, the modification can be made either by mutual consent or by modification, by notification from MTR to the Government after certain events have occurred.

胡志偉議員：

我想確認的是，現時所有的 delay，簡單說 delay 或者 cost overrun，其實還未得到政府及港鐵公司的任何 agreement。

主席：

梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Thank you for that question. I think, firstly, I would like to comment to the Honourable Member and Chairman that MTR's objective is the same as the Government: we aim to complete this project as quickly as possible and in the most cost-effective manner. Our objective is exactly the same.

Secondly, we have only given our updated cost to complete and programme to complete, the most recent updated estimate of the cost to

complete and programme to complete, to the Government at the end of June. That was only 15 days ago, just over two weeks ago. As Mr Secretary CHEUNG has said, the Government will be reviewing both our estimated ... latest estimate of cost to complete and programme to complete and I am sure they will be coming back to us with further questions which we will, of course, answer as quickly as possible.

主席：

好，謝謝。

胡志偉議員：

主席，我只是想確認，現時所 propose 的 estimates，是否仍未得到政府的任何 agreement 或 RDO¹ 的同意，即這些 project delay 的 cost overrun 所涉及的一些工程延誤，追補工程延誤的措施所牽涉的工程成本問題。

主席：

是，梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Once again, ...

主席：

有沒有協議？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

... Chairman, in accordance with the Entrustment Agreement, we have sent in the required notices to the Government at the end of June, on the 30th of June. As highlighted and as indicated, the Government has said that they will need time to review those latest estimates.

主席：

他再次重申沒有這樣的協議，胡志偉議員。

¹ 秘書處會後補註：RDO詳寫為 Railway Development Office，即鐵路拓展處。

胡志偉議員：

OK。

主席：

OK。下一位是田北辰議員。

范國威議員：

主席，程序問題。

主席：

是。

范國威議員：

今早進入會議室3的時候，我是第一個舉手的。我想請問主席，你是否想確立或開啟可以電話預約查詢的先例？

主席：

不是開先例，如果你是說，當你舉手時會議還沒有開始，你是在9時，sorry，你大約在9時25分舉手，你一進來就舉手，我看見了，但那時候會議還沒開始。如果你從會議還沒開始時便計算，那麼田北辰議員肯定比你先。

范國威議員：

你想開啟可以電話預約查詢的先例，是否這樣？

主席：

沒有電話預約查詢……

范國威議員：

我來到這個會議，剛才向你舉手，你問我做甚麼，我很清楚向主席閣下及秘書說我想排隊發言提問……

主席：

如果是……

范國威議員：

.....我有清楚跟你說。

主席：

.....范國威議員，如果在會議還沒開始便舉手，應該未能確認，在會議開始後你舉手才計算。

范國威議員：

是。

主席：

如果你說，無論是打電話也好，舉手也好，會議未開始之前，如果要計算，應該是誰先approach秘書就誰先發言。

范國威議員：

我知道，但主席剛才你向我說是因為有議員事先已經致電秘書.....

主席：

沒錯。

范國威議員：

.....表示想提問，你以此作為理據，所以把我排在第五。

主席：

因為.....我是這樣說，你之前舉手的時候，范國威議員，那時候會議未開始，你舉手是unofficial，不是一個official的報名程序。

范國威議員：

主席，我是坐定下來，準時進入會議室。你與秘書來到前面坐下的時候，我已經嘗試舉手。

主席：

范國威議員。

范國威議員：

我亦很清楚向主席表明我想提問的意願。

主席：

范國威議員，你坐下的時候會議開始了嗎？我想問你一個問題，你先回答我。

范國威議員：

但主席你剛才冇否在開始時……

主席：

你先回答我，好嗎？

范國威議員：

剛才開始時，你有沒有叫我們舉手，表示現在排隊提問？你只是說在事先的預備會議安排了4人負責主要提問，就是你閣下、副主席、盧偉國議員及胡志偉議員。

主席：

范國威議員，我不想跟你爭辯……

范國威議員：

我也不想跟你爭辯，而是你是否想立下一個先例這樣做？如果是，我是否需在今天會後跟秘書說下一次……

主席：

田北辰議員。

范國威議員：

……我要第一個提問就可以提問？

主席：

田北辰議員。

田北辰議員：

你有權力決定如何裁決。

主席：

是。

田北辰議員：

但你不介意我，為免浪費大家的時間，主動讓范國威議員先提問嗎？

主席：

范國威議員，你先問。

田北辰議員：

你不介意吧？

鄧家彪議員：

不好意思，我只是想了解究竟次序如何，因為待會兒有小休，我想到隔壁的會議……

主席：

接着是田北辰議員，然後就輪到你。

鄧家彪議員：

OK。

范國威議員：

謝謝主席。我有7、8個問題，我想請梁國權先生也短問短答，有些問題你回答"Yes" or "No"，"是"或"不是"就可以了。

本來根據原有計劃，高鐵工程應該在3星期後便完成，但工程一再延誤超支，我認為與港鐵公司的工程管理不善絕對有關。但是，梁國權先生你向立法會提交的陳述書，其實是嘗試將港鐵公司的責任推得一乾二淨。陳述書第32段如是說，考慮到高鐵如此具挑戰性和極其複雜的工程必定有延誤的風險，所以在第二份委託協議下沒有施加須於2015年8月4日前完成高鐵項目的"絕對責任"這4個字。我想問，這是否港鐵公司自己的理解？抑或第二份委託協議書寫得很清楚，是白紙黑字的條文？

主席：

梁先生。

范國威議員：

"絕對義務"是否白紙黑字的條文？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Now, thank you for that question. Let me just respond to the Honourable Member. I think, firstly, as highlighted by both the IBC and, in fact, the IEP, the IEP commented that MTR's management of individual contracts was exemplary. The IBC also commented that the management of the Express Rail Link was undertaken in a very professional manner. With regard to the Entrustment Agreement, I would, once again, highlight that and, as highlighted in our written statement, both the cost to complete as well as the programme are estimates in the Entrustment Agreement.

范國威議員：

OK。

明白，即是沒有白紙黑字這樣寫。如果不是這樣寫的話，是否代表港鐵公司有責任按時完成工程，而不是一再延誤呢？你不應以該字詞說沒有絕對義務，暗示、明示港鐵公司沒有責任完工，這是我的批評。陳述書第40至44段指工程延誤的其中一個原因，是項目計劃緊縮前期的工作。我看到有些傳媒報道指，港鐵公司前工程總監柏立恒先生在2009年亦曾提出工程的時間太趕急，估算要在2017年才能完工，而工程費用也是高達800億元。我想請問，港鐵公司的工程團隊當年曾否確實作出這個估算？是或不是，有或沒有？

主席：

梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

In response to the Honourable Member, I think, MTR's responsibility as project manager are well spelt out in the Entrustment Agreement, very clearly spelt out in the Entrustment Agreement. And, of course, we take our obligations under the Entrustment Agreement ...

范國威議員：

梁先生，短問短答，我還有其他問題。到底有沒有這個估算？此估算曾否存在？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

With regard to the estimated programme to complete for 2015, once again, as I have said before, this estimate was done based on advice from external third parties as well as a lot of processes and diligence. The timetable to complete by August 2015, initially, the estimated timetable, was, as I have said before, tight but doable.

范國威議員：

我想請問，柏立恒先生於高鐵工程開始之前突然離職，在2010年2月換了由周大滄先生擔任工程總監。我想請問，柏立恒先生是否因為明知高鐵工程必然會出現超支延誤，不想成為代罪羔羊而辭職？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Honourable Member, Chairman, Mr Russell BLACK, who, as you know, worked with MTR for many years, in fact, retired at that time, retired from MTR. Mr Russell BLACK was instrumental in working with MTR and building many of our rail lines.

范國威議員：

OK。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Mr Russell BLACK retired.

范國威議員：

好，我想請問，陳述書第98段指在2010年1月至2014年4月期間，政府獨立顧問嘉科工程公司就工程項目進行了多達250次審核。根據路政署署長劉家強先生在今年6月9日提交予專責委員會的補充資料，即文件編號G9的附件二，獨立顧問曾經檢視港鐵公司的地盤勘測及岩土報告，並於2010年1月12日致函港鐵公司，就岩土報告提出3項關鍵意見，critical observation。我想請問梁先生，可否解釋獨立顧問當年提出的3項關鍵意見具體所指為何？如果你現在不能提供，可否在會後向我們提交？

主席：

梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Chairman, I must say that I am not a construction professional and, therefore, on these matters which pertain very much to the construction activities, I need to consult with my colleagues.

范國威議員：

OK，好。根據前路政署署長韋志成先生向委員會提交的補充資料，即文件編號G11，截至2010年6月韋志成先生離任之前，港鐵公司沒有提醒政府，移除西九龍總站基岩層的困難。這又是否代表在2010年1月26日簽署第二份委託協議書之前及之後，港鐵公司均不認為工程有可能出現不利地質情況而導致延誤及超支？亦即是就算在1月12日收到獨立顧問意見後，港鐵公司仍然沒有提醒政府，在鑽挖方面有困難。這是否屬於港鐵公司專業判斷失當？

主席：

梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Chairman, I would highlight, once again, that there were regular reporting to the Government that highlighted all the issues with regard to particular contracts. These were well highlighted to the Government in the regular meetings which had taken place from the signing of the Entrustment Agreements. Whatever issues, whatever delays, were being encountered in individual contracts should be well highlighted in the monthly reports which, I understand, span over 200 pages.

范國威議員：

OK。文件第59段提到工程前期工作緊縮的準備時間，導致合約編號810A、810B及811A，涉及西九龍總站的3份合約的設計需要作出修訂。我想問，該3份合約分別曾需要作出多少次設計修訂？如果今天回答不了，可否在會後向我們提供有關資料？

主席：

梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

You know, Chairman, once again, as members are well aware, the Express Rail Link and, in particular, the West Kowloon Terminus, is a very complicated and complex construction project. As with all these complex construction projects, it is not uncommon ... in fact, it is quite common ... for contracts to be tendered when there is a stage of maturity reached in the development of the design and that, for the Express Rail Link, including the contracts that the Honourable Member mentioned, would have been the case.

范國威議員：

但可否在會後向我們提供準確數字、更改次數？

主席：

梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Chairman, I would have to seek advice from my colleagues on this, if Chairman, you do not mind, and revert back to the Secretariat.

范國威議員：

OK。我第六個問題關於路政署早前提交的文件編號G2的附件1，當中提到整個西九龍總站的詳細設計工作是由2009年5月中開始，一直到2010年12月底結束。我想問，梁先生是否確認這項資料準確？如果有關資料準確，即代表花了19個半月時間進行詳細設計工作，相對一般地底建築工程而言，這樣是否也算緊縮？你如何判斷花了19個月進行詳細設計，時間是否緊縮？

主席：

梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Now, thank you, member, for that question. You know, I think, firstly, I would just repeat again that, in complicated project like this, it is not uncommon for contracts to be tendered after the design has reached a certain stage of maturity. I do not, personally, have information with regard to that particular design for that particular contract, Chairman.

主席：

范國威議員。

范國威議員：

最後一個技術問題。西九龍總站各項合約工程的招標和開展工程的時間，其實是有先後之分，當811A號完成招標時，其實810A號及810B號還沒開始招標。我想問，港鐵公司有關西九龍總站每個工序的編排，有否涉及因為要同步進行設計及建造工程，而導致我早前所關注需要修改設計，牽一髮而動全身？

主席：

梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Chairman, once again, we use our system, which is a tried and tested system, our PIM System. Our PIM System, our project management system, looks at each of the contracts, as well as the interfaces between contracts. I believe the Honourable Member is asking about the interfaces. That would be dealt with in our construction processes.

主席：

謝謝。現在我們休會10分鐘，下一節在11時15分開始，謝謝。

(研訊於上午11時03分暫停)

(研訊於上午11時16分恢復進行)

主席：

時間到，亦有足夠人數，現在開始第二節的會議。在開始之前，我想向各位委員重申，我希望各位委員能出席正式聆訊前後的內部會議，因為田北辰議員剛才提出的要求，是經過我們內部會議討論，大家同意由田北辰議員首先提問。我不想以後再有剛才的情況出現。希望各位委員能夠出席事前及事後的會議，若有意見可於當時提出。謝謝。

田北辰議員不在席，那麼先由鄧家彪議員開始。謝謝。

鄧家彪議員：

多謝主席，亦多謝港鐵公司到來作出詳盡回應。當然，我最關心的第一個問題是，我留意到今天你的發言稿較陳述書多了一詞，就是"道歉"，"apologize"。我想問這個道歉的內容及涵義。我翻看2014年5月5日當時港鐵公司最主要的3位人士，一

位是主席錢先生，他就未能妥善向公眾交待，不是，應該是就未能適時讓公眾知悉未能完工的問題致歉；韋達誠先生就未能妥善向公眾交代致歉；周大滄工程總監就判斷失誤、遲遲未能交代致歉。

這3位人士如此重要，我想問，今天梁國權先生代表港鐵公司所作的道歉，是否包含這3位人士的道歉內容呢？判斷失誤、未能妥善向公眾交代及未能適時向公眾交代。再者，你作出此道歉，背後是否承認，經分析後，原來你們真的做錯了，所以透過這次道歉，承擔責任？

主席：

梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Thank you, Honourable Member, for that question.

As I indicated in my spoken remarks, on behalf of MTR, I am apologizing that MTR did not, until April of last year, provide the Government, the Legislative Council and the public with an updated assessment of the completion date of the Express Rail Link and, as a result, our announcement of the delay, in April 2014, understandably caused public concern. That is the extent of our apology, Chairman.

主席：

鄧家彪議員。

鄧家彪議員：

我想弄清楚，你的內容是這樣說的，即"did not provide"，接着"until 2014年4月"，意思就是說，其實你們對完工日期早有更新的、updated assessment。其實你們最早在何時有這個經更新的完工日期，即知道2015年8月4日不可能完工，最早在何時有這個assessment？

主席：

梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Chairman, once again, we only had information of the delay on the Express Rail Link in April 2014. As very clearly highlighted in the papers, both the papers in the public domain, the reports from the IBC, the IEP, as well as my written statement, it is because of over-optimism of the project team, with the view that schedules and timetables can be caught up, that led to the late ... that led ultimately to an announcement, in April, of the delay. It was the optimism and the assurances that delays can be recovered and, therefore, the overall programme can be met that led to, unfortunately, the late announcement.

鄧家彪議員：

我想確認，雖然梁國權先生在事件發生後才署任行政總裁，你也在報告中說，除了周大滄先生及韋達誠先生這兩位外，其實大部分人都是在2014年4月才知道。我想再多問一次，其實是否包括韋達誠先生及周大滄先生這兩位在內，都正如你所說，是在2014年4月才確實認同或者承認，有2015年8月4日不能完工的評估？

主席：

梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Thank you, Honourable Member, for that question. I really cannot speak on behalf of Mr Jay WALDER or Mr CHEW, the former CEO and the former Projects Director. However, I think, in the IBC Report ... I think it is in the first IBC Report ... there is a statement that says, after their investigation, that the executives and the Board of MTR only knew about the delay in April 2014 and I think it says that, apart from Mr T C CHEW. I think that is in the IBC Report.

鄧家彪議員：

好。

主席：

鄧家彪議員。

鄧家彪議員：

即是說，究竟何時知道呢，只有那兩位已不在任且本身不是香港居民的人士，才知道這個永恆留在他們心裏的秘密。以我所理解，這兩位離任時，其實並沒有受到港鐵公司的懲處，這點從待遇方面可反映得到。即是說，港鐵公司分析整件事情後，認為這兩位，即韋達誠先生及周大滄先生，並無需要負上任何行政或專業的責任？

主席：

梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Chairman, perhaps, to answer the Honourable Member's question, and this is from the IBC, our Independent Board Committee's first report, this is in paragraph 1.48 in which the Independent Board Committee, after their investigation, in their first report, says, "The CEO and other members of the executive (except the Projects Director)" ... that is referring to the former Projects Director ... "were not aware of the delay in the Project timetable to 2017 until it was presented to them by the Projects Director at the meeting on 12 April 2014".

I hope that clarifies that situation, Chairman.

鄧家彪議員：

梁國權先生，現在你既是港鐵公司的第一把手，而在事件發生後，我相信你會與公司整個團隊全盤回顧整件事情。你會如何評價，一個如此重要的資料，何時完工，能否如期完工，竟然只有兩個人知道。你如何看待、如何評價這個情況？

主席：

梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Chairman, perhaps, I would just reiterate the comment from the IBC and the comment is, "The CEO and other members of the executive"... the

CEO, at that time, the former CEO, is Mr Jay WALDER, so ... "The [former] CEO and other members of the executive (except the Projects Director) were not aware of the delay in the Project timetable to 2017 until it was presented to them by the former Projects Director at the meeting on 12 April 2014".

I would, once again, add that and highlight it in my spoken as well as written comments, as well as the IBC and the IEP Reports and, particularly, the IBC Report, there was over-optimism, over-optimism on the project team and members of the project team, that they would be able to deliver the project on schedule. That over-optimism, with the ...

鄧家彪議員：

你們.....

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

That over-optimism, with the benefit of hindsight, was unfounded.

鄧家彪議員：

我想問你們有否分析過，這個策略，就是說，拖延到最後一刻才公布原來不能如期完工，究竟這對整個施工是否弄巧反拙，造成進一步的延誤或超支呢？

主席：

梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Chairman, I would say that, once again, you know, the Express Rail Link Project is a very complex and complicated project, as has been highlighted, and the challenges are well known and have been well highlighted to the Government and others. After the events of last year, as members are aware, MTR's Board appointed the Independent Board Committee to do a complete review and analysis of the events leading to the announcement in April last year and we have, as members are also aware, followed up on the recommendations of the Independent Board Committee in their report.

主席：

鄧家彪議員。

鄧家彪議員：

最後，我想跳一跳，翻閱陳述書第178段。我想你確認，港鐵公司自2006年起已經設立了一個高鐵項目督導小組，由現任的車務總監擔任主席。10年前已經有一個小組，當時還是地鐵公司，已有一個小組，專門預備高鐵通車之前的一切安排。我想確認是否有一個這樣的小組，以及內容怎樣？

主席：

梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Chairman, I can confirm that we currently do have an operations group, chaired by our Operations Director, looking at the future operational issues relating to the Express Rail Link. The establishment of that group in 2006 is highlighted in paragraph 178. I would like to seek further confirmation from my colleagues and, perhaps, I could refer back to the Secretariat on that.

主席：

就此問題作書面答覆，好嗎？

下一位是田北辰議員。

田北辰議員：

主席，高鐵弄到今天如此田地，其實要追溯到2009年4月至9月期間，港鐵，當時是地鐵，不是，不是，已經是港鐵了，與政府的談判過程。我想知道，梁先生，當時你是財務總監，是嗎？所有董事局會議你都有出席，對嗎？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Correct.

田北辰議員：

當時的Projects Director是否Russell BLACK？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Correct. I believe Mr BLACK retired in early 2010.

田北辰議員：

是，他是在2010年2月離任。即2009年他就是工程總監，你就是董事局成員，對嗎？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Correct.

田北辰議員：

好。這份合約，以我所理解，當初在2009年4月，你們內部估算是980億元，這點專家都已提及了。後來又跟政府討價還價，把9部鑽挖機減至6部。現在出事，正正就是因為由9部減至6部，獨立董事委員會都說鑽挖機不夠，是嗎？那麼減、減、減，減至800億元，後來再減至650億元。以我所理解，當時Mr BLACK堅持說需要800億元，即8月份的數目，而且需要7年時間。他當時提出的原因有4個，我希望你跟我們說說，是否記得他當時說了甚麼，還是完全不記得。

第一個原因是勘探不足。當時他很清楚知道，2009年的時候，整條佐敦道沒機會勘探，整個高爾夫球場沒法碰。通常如果沒有全面勘探，他們這些進行工程的高人，便會乘以一個risk factor，例如1.3、1.4之類。OK？

第二，就是他對於未來5年，全世界這個行業的成本上漲、通漲各方面，很明顯他不像政府如此樂觀，他覺得2009年時標書進來全部低於預算，不能夠維持到2015年。

第三，他當時考慮，據我理解，也有向Board講，就是當時你們承諾政府2015年同時落成3條鐵路，開玩笑嗎？一條是跨境，兩條是境內，是吧？一年落成3條。

第四，我不知道他有否公開談及，聽說他在港鐵公司這麼久也未曾試過做委託協議。他覺得委託協議的每一樣事情都有很多red tape，甚麼都要先問政府，然後再回來。對於調配項目的款項，如果一個項目有超支，另一個沒有，也不可以將款項調來調去。當時他堅持說最少要7年，預算是800億元。

你是否記得他這個取態？

主席：

梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Thank you, Honourable Member, for that question. It was many years ago. This is back in 2009, so ...

Hon Michael TIEN Puk-sun:

Only six.

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Six years.

Hon Michael TIEN Puk-sun:

It's not the last ...

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

But, Chairman, I would say that ...

Hon Michael TIEN Puk-sun:

... millennium... only six years.

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

... I do not recall these conversations or comments from Mr Russell BLACK.

田北辰議員：

你完全不記得？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

I do not recall, Chairman, these comments from Mr BLACK.

田北辰議員：

好。我想請問，你們當時接受了政府這個協議，你們知道要在2015年建成3條鐵路。你作為財務總監，為何沒有提醒董事局？你們有多久沒有興建鐵路？一年興建3條鐵路，是否有可能在5年內全部建成？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Thank you for that question, Honourable Member. At that time, and with the successes, the previous successes, of MTR's project management and delivery of rail systems over the last 20, 30 years, there was confidence that MTR can deliver ...

田北辰議員：

OK，得。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

... those rail systems.

田北辰議員：

你們有無限的信心，好，多謝你。當時你們知道勘探不足，在2009年你們作出決定，然後來立法會的時候，佐敦道下面沒有勘探過，現在正正因為護土牆需要在那裏興建，所以便拖延了一年。你們也知道，對於高爾夫球場，你們是沒有access的，對嗎？既然勘探不足，為何當時你們會答應5年內可以做得到呢？

主席：

梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Now, thank you for that question.

田北辰議員：

因為接着你，對不起，接着你就說，較平時的標準超出很多，每14.4米便進行勘探。但是，整個高爾夫球場一點也沒有勘探，整條佐敦道下面一點也沒有勘探。對於興建鐵路，我也略知一二。面對這樣的地盤，要做全面勘探，就須每處都平均去勘探。如此一大幅高爾夫球場，你卻碰也沒碰，整條佐敦道下面也沒有勘探，卻只在其他一小塊地方勘探，就算你每1米去做鑽挖也沒用，是嗎？

主席：

或許你先讓他回答問題，好嗎？

梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Thank you for that question.

I think, firstly, perhaps, I could just spend a minute just going back and reviewing the process that was used to come up with the programme, the original programme to complete in 2015. As Chairman and Honourable Members are aware, there was a lot of work done and that work was also aided by a number of professional third parties in coming up with that programme. There was an agreement and, based on the work done, there was an assessment done, which was the schedule, the original programme, is doable; it may be tight but it is a doable programme. With regard to ...

田北辰議員：

主席，我時間有限，真的不好意思。我只是問他是否承認勘探不足，因為他在文件中說勘探充足。我問他整塊土地完全missed了，完全沒有勘探。他也得回答，何謂很全面的勘探？

主席：

我想他正在提供答案的背景……

田北辰議員：

主席，但也太久了，因為我只有10分鐘。

主席：

或者你簡潔回答，好嗎？

田北辰議員：

對，簡單一點吧。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Thank you, Chairman. You know, once again, there were significant ground investigations done in the West Kowloon site.

Hon Michael TIEN Puk-sun:

How can you say it is significant when the whole golf course was missed? Please, enlighten me, ...

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

I think ...

Hon Michael TIEN Puk-sun:

... Lincoln.

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Chairman, my understanding is that, and from the records, there were significant ground investigations done and the ground investigations done are, I understand, highlighted in the various reports once ...

Hon Michael TIEN Puk-sun:

Do you know how big the golf course is?

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

... we took possession of the site.

Hon Michael TIEN Puk-sun:

Do you know how big the golf course is? And do you know how wide Jordan Road is?

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Yes, Chairman. Once again, there was, as I understand from the various reports, there were site investigations done on the golf course once ...

田北辰議員：

不要緊，梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

... we took possession of the site.

田北辰議員：

如果你堅持，你們當時真的確信650億元是合理的，而你又不記得當時Russell BLACK的忠言，後來他不想背黑鍋，所以離開了，而你也不記得他為何要離開。我想問你，如果是這樣，據現在你們的合約、你所理解的合約精神，如果證實港鐵公司管理失誤、疏忽，是否須要作出賠償？

主席：

梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Thank you for that question. Firstly, we take our responsibility very seriously under the Entrustment Agreement and our responsibility and liability are well highlighted in ...

田北辰議員：

如果證實你們失職，你們是否須作出賠償，而數額超過你們的管理費？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

I would stress, Chairman and members, that our liability under the Entrustment Agreement is well highlighted. In fact, it is well highlighted in the IEP Report as well.

田北辰議員：

我不懂看 IEP Report，麻煩你今天告訴我，是否封了頂？據你的 understanding，如果證實你們失誤，是否以管理費作為封頂？還是可以向你們全數追討那200億元？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Chairman, I would also highlight for the Honourable Member that we have just submitted our latest estimate of the cost to complete and the programme to complete to the Government only just over two weeks ago. And, as I mentioned, the Government is still in the process of looking at both ...

田北辰議員：

OK，好吧，好吧。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

... the estimated cost and the programme.

田北辰議員：

最後一個問題。梁先生，你是否承認，整個過程到今日為止，港鐵公司管理嚴重疏忽及失誤？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

I do not agree with that at all, Chairman. I ...

田北辰議員：

OK，我想請問，周大滄先生臨走時發出一封內部電郵，表示"我曾多次嘗試清楚了解高鐵的一切進度和相關挑戰，但我完全失敗了"。你承認有這封電郵，是嗎？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Yes, Chairman, that was confirmed in the IBC Report as well.

田北辰議員：

這個是你的總監。既然你們唯一最清楚這項工程的人都說："我完全失敗了"，為何你今天仍可以說，你們完全沒有失職呢？

主席：

梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

I cannot speculate as to what was in the mind of Mr T C CHEW, our previous Projects Director, when he wrote that email nor can I ... nor do I really have the information.

田北辰議員：

當時他是否代表港鐵公司？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

At that time, Mr T C CHEW was the Projects Director of MTR.

田北辰議員：

既然他承認完全失敗，為何港鐵公司今天可以說不接受他的說法呢？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

I think ...

田北辰議員：

你們沒有人比他更熟悉這項工程。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Chairman, I would say that that is one statement taken out, and the context of that statement I have no further information. That is just a quote from an email and there may well be other information in that email. I would say, ultimately, as I have said before, that the optimism of the team and that optimism ... and Mr T C CHEW has admitted that he had been over-optimistic in delivery ... that over-optimism is what drove, unfortunately, the late announcement of the delay.

主席：

梁先生，對於田北辰議員的問題，我也有跟進。在你的陳述書第35段，你說了一句，我用英文讀出，因為我是看你的英文陳述書："The Entrustment Cost was revised downwards from the Corporation's prior estimates in 2009"。你說"revised downwards"，是政府還是你們將那個Entrustment Cost "revised downwards"？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Thank you, Chairman. The movement of the ... in the estimates of the Entrustment of the ... at that time, estimates of the Entrustment Cost are well highlighted in the IEP, the Government's Independent Ex- ...

主席：

我現在是直接問你，不是想問IEP的成員，我就是問你，梁先生，我想問是誰將Entrustment Cost向下調，是你們、是政府，還是雙方面？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Chairman, firstly, I would say that, in terms of the estimates of the Entrustment Cost, there had been reduction in scope. As members are aware, there is a reduction in scope. The Honourable Member also talked about some of those reductions, for instance, fewer Tunnel Boring Machines. A reduction in scope will bring about a reduction in cost. So, some of these reductions in costs and, once again, well highlighted in the IEP Report, has been instigated by MTR when we went through the more detailed assessment of design and the construction, and the future construction.

主席：

即是由港鐵公司將之向下調？將工程的範圍縮窄了，或是減少了工序、器材，是嗎？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Chairman, I would say that there are instances when ... there is a case when MTR reduced the cost estimate because of reduction in scope, as Chairman had rightly said, and the last estimated cost to complete that we have, and also well highlighted in the IEP Report, was a number which the IEP Report quoted as just under \$74 billion. I think this is well highlighted in page ... or around page 62 of the IEP Report.

主席：

Thank you.

下一位是李卓人議員。

李卓人議員：

主席，聽了一個早上，聽到的好像都是推卸責任的過程。一開始梁先生說的就好像是在"賴地硬"。到底是否鑽探不足，所以評估風險不足？他又不承認。然後又推說勞工短缺，其實在設計的時候，大家都知道接下來的幾年一定勞工短缺。其實事前已知道，為何事後卻推卸責任？最後他的結論，用他的字眼就是"unfounded over-optimism"，沒有根據的過分樂觀。

我想問他，這個"沒有根據的過分樂觀"是否在兩個階段都有出現呢？第一個階段就是你們對本身的工程設計及估價是否過分樂觀？即是覺得可以在2015年完工，覺得可以用660億元便可建成，在這個階段是否已經過分樂觀呢？稍後我再談論施工階段。就這個階段，你認為，用你的字眼，是否太樂觀？

主席：

梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Chairman, as highlighted in the various reports with the schedule, the original schedule to complete for August 2015, and the estimated cost to complete, the estimated schedule to complete, we have already indicated that, at that time, we thought they were doable but they were very tight.

李卓人議員：

即是你們覺得可以達到，但時間表方面很緊張。但在這方面，其實你們是否風險評估不足？你現在可以"死撐"說，當時覺得能做得到，但我不知道其實當時你們真正覺得怎麼樣，有沒有討論過，有沒有人提出過，其實風險都很大，根本是很緊張，為何你又要接受呢？So tight that why are you accepting it?

主席：

梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Once again, MTR, as project manager for the Express Rail Link, the ... as the project manager, we, with the assistance and the benefit of help from third parties, right from the beginning, in terms of looking at the schedule, the timetable to complete, as well as the cost to complete, MTR, as the project manager, we took the advice of these third parties, these independent third parties, in their assessments and, based on that advice, we came up with that schedule to complete, the estimated timetable of completion in August of 2015. And, once again, as highlighted in the various reports, it was a timetable that MTR felt was achievable but it was a tight timetable.

李卓人議員：

你覺得是否第三 party，third party，不管你指的是誰，是否那個 third party 誤導了你們呢？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Chairman, the third parties that I refer to are also third-party experts that have worked with MTR and our MTR project team in coming up with these estimates and, in particular, the programme to complete estimate. Working with these experts, the conclusion that we reached at MTR is that the schedule, the estimated schedule to complete, which originally was in August of 2015, is a schedule that is achievable but is tight.

李卓人議員：

好了，好吧，就當你們當時覺得可以達到這個時間表，那麼，你的 over-optimism 是指甚麼呢？是否施工開始的時候，你們的 Projects Director 在整個時間表方面過於樂觀，卻一直沒有警覺，沒有風險上的警覺，而是一直覺得可以達到 2015 年 8 月完工的時間表呢？

主席：

梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

As I have mentioned, Chairman and Honourable Member, the team, throughout the ... after the signing of the Entrustment Agreement and throughout the Express Rail Link construction and, even now, works very hard to mitigate risks as well as mitigate delays when they occur. As I have also mentioned in my spoken remarks, in the early stages, and even today, there have been a number of successes with the so-called delay recovery measures. These delay recovery measures are implemented to mitigate or to reduce the delays encountered. With these complex and complicated projects, of course, there will always be circumstances which could lead to delays.

The over-optimism that I was referring to is the over-optimism partially due to the success, I believe, of the initial successes with the delay recovery measures. The over-optimism, therefore, was that the delays subsequently

identified would be able to be recovered by other delay recovery measures or re-sequencing of works. The project team works extremely hard to keep the overall schedule in accordance with the timetable.

李卓人議員：

如果你這樣說的話，其實會不會就是 unfounded over-optimism？其實就是你們的 project team 失職及不夠專業呢？因為你們過於樂觀。一名專業人士評估一項工程時，不應該因為起初所謂的追回進度措施成功，其實老實說，我也看不見，因為由始至終我們看的報告，全部都是說滯後的；我不知道為何梁先生說開始時有成功追回進度，但我們看到的只是滯後。但無論你怎麼說，其實是否整個施工過程已經失去一個專業團隊應有的，對風險的評估及追回進度的可能性的評估呢？這是否失職？是否疏忽？

主席：

梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Chairman, I would firstly say that, and as members are aware, currently, many infrastructure projects, civil works and building works are facing delays and cost overrun, not just the Express Rail Link. These challenges are ... some of these challenges are challenges which are common across the whole construction industry.

With regard to the overall process, once again, as members are aware, the process that we use is a process that has been reviewed by a number of experts and the experts have given their very ... have given their opinions on our processes and those opinions, generally, are words like "very robust". The process that we use has continued to be audited by not just third parties, including the Government's M&V consultant, but also by ourselves.

In implementing that process, we have highly professional colleagues and these colleagues ... there are compliments from both the IBC and the IEP on the abilities as well as the professionalism of these colleagues. It is with that professionalism and that ability that these colleagues work very hard, day-in day-out, to try to recover delays when they occur. Many of these delays might not be foreseeable at the time of the inception of the project.

李卓人議員：

我覺得整個答覆是自相矛盾。他講完之後，根本不曾樂觀過，甚麼都與他們無關，人家 expert 甚麼都同意他們，然後他們又很努力。我覺得根本整個證供是自相矛盾。你到現在也不願意解說你的過分樂觀是 unfounded 這一點，根本說着說着好像變成了 founded。你可否再解釋一下，為何你說 unfounded 呢？但你把整個過程都說成好像是 founded optimism。

主席：

梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Now, thank you for that question.

The project team, as highlighted, is a very professional team. We have significant expertise and significant experience. The project team, as they should, are always looking for solutions to mitigate problems, mitigate delays, particularly when those delays appear. The project team, in their professionalism, are always looking for those solutions.

The optimism and the over-optimism that I was referring to is that, with the success, the early successes, of a number of those delay recovery measures, that then led to the team believing that other measures could be implemented, which will catch up with the original schedule. Unfortunately, that was not the case, Chairman.

主席：

莫乃光議員。

Hon Charles Peter MOK:

Chairman, Mr LEONG, I have a number of factual questions to follow up and then I have a couple more general questions to ask you.

First of all, referring to your written statement, point number 69, where you said,

"Where progress of works has been delayed, the Corporation will consider mitigation measures to recover the delay. Under [your]

internal procedures, approval by the Corporation's Project Control Group is necessary before any delay mitigation or recovery measure can proceed. The Corporation will also share the more significant proposed measures with the Railway Development Office of Highways Department before they can be approved, ..."

Actually, my question is: when you do that, when you are going to propose some of these measures, do you have to get the approvals from these Government departments before you proceed or it is just a consultative thing that you have to provide certain information about the more significant measures to the RDO and the Highways Department? And do you share, also, the cost implication with these departments?

主席：

梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Thank you, Chairman.

The Honourable Member is absolutely right. There are, obviously, very regular reports to the Government and to their M&V consultant, Jacobs. With regard to delay recovery measures, these delay recovery measures are ultimately approved at our Project Control Group, PCG, where government officials are invited, particularly where they pertain to the service concession projects like the Express Rail Link. That approval, or prior to that approval, there are significant detailed papers which are available to all parties in that meeting and that paper would also include the financial aspects of any delay recovery measures.

Hon Charles Peter MOK:

OK, so you are saying that all the information about these measures and their cost implications, and so on, are shared with the Government representatives on the PCG?

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Yes, Chairman, it is my understanding that the information, the same information, is given to the Government as well as the other MTR representatives at the PCG meeting.

Hon Charles Peter MOK:

OK. My next question is on point number 72. You listed a number of measures about the delay recovery measures. You listed a number of factors, and, in your words, "These measures took a variety of forms, [and including] (as of April 2014): ..." (a) to (g). That would be seven different possible forms, including things such as "use of additional plant and labour resources", "plant modifications", blah, blah, blah. Now, my question is, can you provide us with more detailed information, maybe follow-up information in written form about the percentage and the actual cost breakdown of these different factors?

主席 :

梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Chairman, some of these factors are going to have, as the Honourable Member is asking for dollars and cost, there may be commercial sensitivity because it pertains to individual construction contracts. Chairman, with your indulgence, I would like to consult with my project team and then refer it back to the Secretariat.

主席 :

OK。

Hon Charles Peter MOK:

OK, but what about, possibly, a breakdown or the percentage of additional labour resources, say, 10%, 20% or something like that; an indicative breakdown for us without the actual numbers, even if ...

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Chairman, I would need to consult with our project team and revert back to the Secretariat, if I may, on that.

主席 :

是，如果有的話，你可以提供一個書面的答覆，好嗎？

Hon Charles Peter MOK:

OK, thank you, Chairman.

The next question I have is on point 74, where you refer to a number of these H-shaped piles at the Nam Cheong Station, that the contractor adopted a particular method and, in your words, these piles

"... appeared to have been deformed when driven into the ground some years ago [and t]here was no expectation of such piles being so deformed."

It sounded like this is something way beyond your expectation. Now, who would be responsible for something like this? Did you make any claims to the contractor for this particular situation happening in terms of, you know, damages or reworks, and so on?

主席：

梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Chairman, as highlighted ... as the Honourable Member noted in paragraph 74, with regard to Contract 802, these H-piles were driven into the ground not by any of our contractors. They had been there for some ...

Hon Charles Peter MOK:

OK.

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

... years beforehand and ...

Hon Charles Peter MOK:

OK.

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

... we obviously have to come up with delay recovery measures and remedial measures to remove them as expeditiously as possible.

Hon Charles Peter MOK:

So, they were piles ... they were from a previous project or the previous construction works of the Nam Cheong Station many years ago?

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

That is correct.

Hon Charles Peter MOK:

OK. Finally, again, I want to follow up on some of the questions that other members have also looked at, particularly, your opening statement when you referred many times to the fact that you believe the company, the Corporation, has been too optimistic or, in some other parts of your statement, you referred to "unfounded optimism", and so on. But I have to think that, for all the professionals that are driving this project, optimism is a judgement that they make and, for judgement made by these professionals, I have to think that, you know, some degree of responsibility for the professionals, they must bear some significant degree of responsibility when they make that overly optimistic judgement.

Now, you also referred, in your opening statement and in your written statement, to a number of challenges. You mentioned, today, about shortage of labour, utility diversions and a lot of engineering problems and you also said that you are undertaking one of the largest and deepest excavations ever in Hong Kong. Now, if this is such an unusual and difficult project, I believe you ... a professional would probably be expected not to be so overly optimistic because, obviously, if this is one of the hardest excavations ever done in Hong Kong, it must be something that is quite difficult to do and you would not expect a professional to act in an overly optimistic way. So, do you believe that, as a corporation and the professionals responsible in the project, they actually do have to take a significant share of responsibility for making that sort of judgement, in light of these difficult circumstances?

主席：

梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Now, thank you for that question.

I think, firstly, I would stress again that both the IBC, and, I think, even the IEP Report, commented on and complimented the professionalism of the project team and its members, and all members of the project team in coming up with solutions to recover delays and to complete the project in the most cost-effective manner.

I think, secondly, as I have mentioned in both my written and verbal statements, there have been successes with a number of the so-called delay recovery measures and the re-sequencing of works. Those successes led to, I would assume, the optimism.

主席：

不是。梁先生，我想他不是問你那些DRMs有多成功，他的問題是，你們作出這樣的判斷是否有些失職？既然知道工程的難度如此高，是否有一個專業上的misjudgement，這是問題所在。

Hon Charles Peter MOK:

Yes, thank you, Chairman, for clarifying that. Yes, I know that the professional teams and the management must have great knowledge about undertaking such a project and also coming up with the best possible DRMs to try to mitigate the situation. But, sometimes, you know, the judgement, in the end, you have to make the judgement to say, like, "OK, this is unrealistic and I cannot finish the job in this period of time" or the DRMs may be unrealistic. But, apparently, this over-optimism carried on for an extended or unreasonably long time. So, I am saying that particular judgement part of it, do you believe that there is a sort of level of professional responsibility that needs to be borne by the team?

主席：

梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

You know, Chairman, and I thank you ... I thank the Honourable Member for the recognition that the team is highly professional and have done their utmost ...

Hon Charles Peter MOK:

It is acknowledgement.

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

It is an acknowledgement that the team is highly professional and have done their utmost in recovering delays.

The IBC Report, in fact, the first IBC Report which was published last year, has gone into quite a bit of details with regard to the events as well as their comments on those events and the performance of individuals involved in the Express Rail Link. There is not really much more that I can add to what is already said in the IBC Report 1, which is available in the public domain.

Hon Charles Peter MOK:

OK, Chairman, one final, final short question.

Mr LEONG, I know that you became the CEO of the company in August of 2014. Looking back at the whole development, if you were the CEO ... before you actually undertook this position ... do you think there was anything which you would have done differently if you were the CEO throughout the period of time and if you could make the judgements and decisions on some of these things that were probably made before you became the CEO?

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Now, thank you for that question.

Just to supplement, I became the Acting CEO in August of 2014. I was only appointed CEO in March of this year. It is a theoretical question. I think, at this point, moving forward, our aim, our objective, is the same as the Government's objective: to deliver the project as quickly as possible and in the most cost-effective manner, Chairman and Honourable Member. And, in doing so, we have implemented a number of the measures recommended by the IBC experts. Those measures pertain to the monitoring and reporting of the project and we are working diligently to deliver the project as quickly as possible.

Thank you.

主席：

謝謝。

易志明議員。

易志明議員：

好的，謝謝主席。

剛才我聽見李卓人議員質疑，為何總裁現在於報告中歸咎於工人不足。他認為，當此項project展開的時候，其實你們應該知道香港勞工不足。我很高興聽見這些論點，因為他作為工會代表，一個主要的工會代表之一，他認同香港有勞工短缺的問題。為甚麼我會特別強調這方面呢？因為我很擔心，日後當你們確實要在總站落實進行其他E&M工程的時候，我認為你們沒有辦法聘請到足夠的工人。所以，若你們向勞僱會申請補充勞工計劃時，如果有需要，你們應該請李卓人議員幫幫忙，證實你們的確有勞工短缺的困難。

我認為這個委員會有一項重要的工作，就是調查究竟港鐵公司在此事件，即整項project中，有沒有蓄意隱瞞。我記得在2013年11月的鐵路事宜小組委員會會議上，我和盧偉國議員不斷提出質疑，高鐵項目會否因為勞工短缺而有所延誤。當時出席的港鐵公司代表說沒有問題，可以按時完成。所以，當時王國興議員高度讚揚你們，在這樣的情況下都說沒有延期。

但是，今天總裁呈交的陳述書卻多番強調勞工短缺對整個項目的影響。這便使我質疑，你們是否有所隱瞞？待我提出第二個問題，你才回答。剛才較早的時候，梁先生回答盧偉國議員的問題時表示，所有進度都有完備的文件記載，與政府亦有充分的溝通。之前我們看了很多文件，顧問一直都跟你們說，你們的延誤越拉越闊。既然這樣，我們應該.....在你的陳述書第122(i)段所述，"前行政總裁及前工程總監以外的其他執行委員會成員於2014年4月12日才獲前工程總監告知，在此之前並不知悉該項目的工程時間表延至2017年"。

我想問，應如何理解你這句話呢？董事局是否真的甚麼都不知道？但剛才你又回答說，"take it seriously"。可是，如果你將我剛才提出的第一點及第二點結合來看，便會給人一種感覺，

你們董事局要麼就是甚麼都不知道，要麼就是知道但蓄意隱瞞。我想聽聽你的解釋。

主席：

梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Thank you, Honourable Member, for that question. I would stress again that, at no time was there any thought towards withholding any information from the Government or from the Legislative Council. There was never, ever any thought or any cover-up. There was never that.

To answer the Honourable Member's question, the Executive Committee and the Board were privy to information on the Express Rail Link, like the other projects of MTR, and follow those projects, including the Express Rail Link, closely.

However, and as I have mentioned a number of times before, the over-optimism of the project team led the Executive Committee ... and the responses from the Projects Director led the Executive Committee and the Board ... to believe that the timetable for completion could still be met. So, although the Executive Committee and the Board were following the progress of this project closely, the over-optimism they heard when asking a professional whether the timetable and schedules could be met ... and the response was always to the positive until April 2014. So, therefore, up to April 2014, despite the fact that many of the Executive Committee and Board members were paying close attention to this, it was the over-optimism of individuals that led the Executive Committee and the Board to believe that the 2014 ... that the 2015 schedule can still be met.

Secondly, I would thank the Honourable Member for the advice with regard to the importation of labour. We would take the Honourable Member's advice.

易志明議員：

好的，主席，我有第二個問題。關於延誤的原因，在梁先生的陳述書有提到前期工作時間不足。按照國際慣例，這確是不足夠的。另一原因就是具挑戰性的時間表，即是說，原本計劃2015年完工，剛才田北辰議員也提到，你們內部評估就不應該預留這麼短時間。第三個原因，就是剛才田議員也有提到，

你們的內部評估或透過第三方協助，建造的成本不應該這麼低。但是最終你們接納了政府提出的第二份委託 agreement，剛才你也提到，因為 working scope 縮小了，所以造價是 650 億元。其實我想問，你們內部做了評估，就算有些許變動，這份合約奇怪的地方是，如果日後超支，而原因並非因為你們自己的行為所致，便會由政府負責；另外也不保證完工期。在政府委託的合約中，我好像沒聽過如此奇怪的 terms。即你們無須負多大的責任。

所以我真的感到很莫名其妙，當時你們有沒有跟政府極力爭取，說："不行的，錢這麼少，時間這麼短"。有沒有一些紀錄提及，由於你們已提出了，只是政府不接納，惟有最終 agree 了一份這樣的文件，就說明"我不負責了"。是否這樣？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Thank you, Honourable Member, for that question.

Once again, MTR is the project manager in the Express Rail Link Project and the terms of the Entrustment Agreement, as I understand it, are, perhaps, not dissimilar to the terms of other types of project management agreements. Our responsibility and our liabilities are well highlighted in the IEP Report, with regard to our responsibility and liabilities in the Entrustment Agreement.

I would further add that as highlighted in the IEP and the other reports, MTR has significant incentive to deliver the project in accordance with the estimated timetable and the estimated budget and that, of course, is with regard to, firstly, the maintenance of our reputation ... this is highlighted in the report ... as well as, secondly, the Government is going to invite MTR to operate the Express Rail Link, so there is incentive for MTR to perform very diligently, which we have in the Entrustment Agreement.

I would, thirdly, add that, after the Entrustment Agreement was entered into in 2010 and after all the big contracts, the tenders, went out and the contracts were signed with the subcontractors ... and, as members are aware, there are 42 of such large contracts ... the amounts returned from those contractors were quite a bit less in dollar amount than the original estimate within the cost to complete and, as a result, as highlighted in the IEP Report, in fact, our contingency increased as a result of those tenders coming back.

易志明議員：

我沒問題了，主席。

主席：

陳鑑林議員。

陳鑑林議員：

主席，我只想作跟進及索取一些補充資料。在第二份合約，即委託協議中，港鐵公司的職責之一，是以專業的角度管理項目，另外還有很多其他責任，譬如採購方面。

但是，梁先生今天告訴我們，因為工程項目相當複雜，在第二份協議中也沒有提到所謂的完工年期，相對在之前的第一份協議，則有一個比較明確的完成日期。你提及很多延誤的原因，譬如勞工問題或是地底的岩石層，甚至菜園村收地遲了，這些都是你所說的原因。我想知道，你們發現其中一些具體的問題後，做了些甚麼？譬如勞工問題，我相信你不是在2014年4月的時候才知道，之前你們應該都知道。到底在過去的一段時間，你們做了些甚麼，以滿足在勞工方面的需求和應付人手短缺呢？這些你可否告訴我？

另外，當你們發覺工程技術上有困難的時候，你們又做了甚麼？可否告訴我，在2014年4月之前你們有沒有做過甚麼？至於2014年之後的事，我已知道了，因為你們在文件中已提及。可否告訴我這兩方面的事情？

主席：

梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Now, thank you for that question, Honourable Member.

In light of the labour shortage, MTR implemented a number of measures. In fact, we did quite a lot to try to reduce the impact of such labour shortage. For instance, since 2011, we have organized three job fairs for the construction industry, which drew a total of 15 000 visitors with over 12 300 job applications received.

Secondly, we have also done a lot to work with the construction industry and the various associations to attract more people into the industry by encouraging further participation in the construction industry. We have, in addition to that, implemented a number of measures actually on site. We provide life insurance for our construction workers. We also, for instance, provide some health check-ups, heart check-ups, for workers who would like to benefit from that. So, we do a lot of work to both encourage more people to join the industry as well as to ensure that workers are satisfied and happy working on our construction sites.

In addition to that, we have, for a number of times, sought to import labour through the Supplementary Labour Scheme. Unfortunately, in many cases, this importation has taken much longer than had been anticipated.

With regard to the member's second question, on what MTR did when engineering challenges and construction challenges arose, as highlighted in my written statement, when these challenges arise, the team would do their utmost to mitigate these challenges and delays by implementing delay recovery measures. The delay recovery measures, a number of these measures, have already been highlighted in my written comments.

One example that I can give as a delay recovery measure was with regard to a contract where site access was late. That contract was to build tunnels and the stabling areas around Choi Yuen Tsuen. Because of late site access, as one of the delay recovery measures, we, with the consent of the Government because, of course, all these delay recovery measures went through the Project Control Group, an extra Tunnel Boring Machine was procured to catch up with the delay because of the late site access.

陳鑑林議員：

主席。

主席：

陳鑑林議員。

陳鑑林議員：

梁先生只是解釋了，你們在勞工方面推出了一些福利措施，吸引勞工入行做這些工程，另外也透過補充勞工計劃，招募更多工人。我想知道，推出這些措施後，到底能否滿足你們在勞工方面的需求呢？如果不夠，你們還做了甚麼？這個問題已經存在，是吧？不應該成為導致工程延誤的一個理由。所以

我想知道當時你們推出這些措施後，有多大程度滿足了你們所謂的勞工需要？如果未滿足，你們又做了些甚麼？在每個月與政府溝通、聯絡的監督小組會議上，你們都有分享過你們的措施。在你們提出困難的時候，到底政府曾給予你們多少協助呢？就這方面，你們是否會有一些具體的事情告訴我們？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Now, thank you, Honourable Member, for that question.

The shortage of labour has been and remains a challenge, and a significant challenge, for this project. As was reported in May of last year ... and this is the paper that was given to the Legislative Council ... between January 2013 to April 2014 ... so that is, approximately, a 16-month period ... there was, on average, a shortage of labour of 20% in, particularly, our civil works. And there was a number quoted here.

The monthly average that was achieved, in terms of labour, was 4 894 against a plan of 6 135. That shortage of labour has continued as reported in the Subcommittee on Matters Relating to Railways in the early part of July, only less than two weeks ago. My projects colleague has also commented that this shortage has continued even today and the shortage is of a magnitude, percent-wise, not so different from that 20%.

主席：

陳鑑林議員。

陳鑑林議員：

主席，勞工短缺長期存在，這個問題應該屬於施工管理及工程項目代理人的責任，還是屬於政府的責任呢？

主席：

梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Now, thank you for that question.

Our contractors and subcontractors, obviously, do their utmost to secure labour and, of course, this shortage of labour, as members well recognize, is an issue, is a problem across the whole industry in Hong Kong. With regard to responsibility between various parties, I would say, at this time, Chairman, that, because responsibility also ties in with claims, and so forth, from contractors, so, at this time, given the commercial sensitivity of our discussions on claims with contractors, I am not in a position to disclose any more with regard to that.

主席：

陳鑑林議員。

陳鑑林議員：

主席，我現在不是談索償的問題，而是管理責任何在。因為港鐵公司一直強調，他們用一個所謂項目綜合管理的系統管理這些工程。以我們所理解，在這樣一個管理系統中，所有工程項目都應該得到充分的照顧及考慮。但是，現在出現的這些問題似乎超越了那個系統應該做得到的範疇。所以我想了解，梁先生作為港鐵公司的代表，在對待這份委託協議的內容時，與政府自己本身的理解是否有出入？因為在局長提供予我們的文件中，政府很清楚表示，港鐵公司在行事上，如果有任何錯失或遺漏而導致違反第二份委託協議，及導致委託工作必須重新執行，港鐵公司便負有一定的責任。

你今天只告訴我們，所有這些問題都是因為工程相當複雜，以及幾個主要的原因。這會否讓社會人士有個印象，就是你們想透過這樣的一個理由，推卸自己的責任？

主席：

梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Now, thank you for that question.

As I mentioned, this is an extremely ... the Express Rail Link is an extremely complex project. As members are aware, the first all-underground high-speed rail system with a station at West Kowloon, the so-called West Kowloon Terminus, of 380 000 square metres, all of which is underground.

主席：

梁先生，這些我們都知道了，或者你直接回答陳議員的問題。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Now, thank you, Chairman.

Of course, we are aware of and we understand the member's concerns on this matter. With regard to responsibility, this is a matter which is inappropriate for us to discuss right now because of the various commercial aspects. The Government, ourselves and contractors are involved in this whole project so, with regard to responsibility, this is something that, and, particularly, with regard to responsibility between ourselves and our contractors, this is something which has a commercial sensitivity to it.

主席：

好。第二輪有田北辰議員，5分鐘。

田北辰議員：

主席，我想問一問梁總監3個問題。第一個問題，現在西九龍總站的超級天幕，即Gammon及Leighton那個JV²，你們這個最新估計的853億元，是你們與他們洽談好，已經確實了一個補償的金額，還是你們自己內部的一個估算，總監？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Thank you for that question.

Chairman, as the Honourable Member rightly highlighted, the contractor for 810A, which is part of the West Kowloon Terminus structure, is a joint venture between Leighton and Gammon. Once again, because of commercial sensitivity in our discussions with these contractors, these and other contractors, I am not in a position ...

² 秘書處會後補註：JV詳寫為Joint Venture。

田北辰議員：

不是。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

... to give any more information.

田北辰議員：

我的問題不是問你要補償多少，我的問題是，是否已達成了協議？這個絕對不可能是商業秘密。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Chairman, all I can say is ...

田北辰議員：

因為外面很多市民問我，這個853億元的數字是否可信，這都是他們委託我提問的。你們是否已達成協議？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Chairman, to address the Honourable Member's question, as I mentioned, the project currently is 70% complete and, with the estimate that we gave to the Government which we only gave them two weeks ago, the Government has indicated that they would take time to review those estimates of both cost and timetable.

田北辰議員：

但是你的答案與我的問題還是沒有關係。你們達成協議了嗎？我絕對不需要知道數額多少。究竟那是你們內部的估算還是達成的協議呢？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Chairman, to address the member's question on the appropriateness of the estimates, I think we have just given our estimates to the Government.

They will be undertaking their review. They will be, I am sure, asking their questions on those estimates but it is ...

田北辰議員：

好吧，OK，好吧，Lincoln。第二個問題吧。你曾經說過，到明年年中，如果沒有投放新的資金，很多承建商都會"捱不住"，"捱不住"的意思就是"爛尾"，對嗎？你現在有多大的信心，在明年年中之前可與政府達成協議，如何分擔200億元的超支，前來立法會申請撥款？

主席：

田北辰議員，我想問一問，你的問題與我們這個專責委員會現在所調查的範圍有甚麼關係？你可否講解一下？

田北辰議員：

關係就是，之前所做的事情會導致大家推卸責任，推卸責任，高鐵就會"爛尾"。在此階段，高鐵在甚麼情況不會"爛尾"，我認為這應該都屬於我們的調查範圍。

主席：

我認為有一點越位了，我們可否問第二條問題？

田北辰議員：

越了位。好，不要緊。主席，我想問，如果"一地兩檢"落實不了，這輛車能否開？我是否可以問呢？

主席：

你要給我解釋關係何在，看看能否令我滿意你的問題屬有關。

田北辰議員：

他的陳述書有寫"一地兩檢"。

主席：

他有寫？

田北辰議員：

有。

主席：

或者你就他陳述書所述的事情去問，好嗎？

田北辰議員：

不是。他的陳述書有寫"一地兩檢"，你想我讀出來？因為他有寫，我有權問的，是嗎？

主席：

好，你問吧。

田北辰議員：

我想問一問，如果到了2018年9月，"一地兩檢"還在醞釀中，因為又有司法、法律挑戰之類，這輛車如果一定要開，就要實行"兩地兩檢"。我的問題很簡單，其中"一地"必定是西九龍總站，另外那個地點在哪？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Now, thank you, member, for that question. As members are aware, in the West Kowloon Terminus, we have allowed space and room for ...

田北辰議員：

對不起。如果要實施"兩地兩檢"，因為如果"一地兩檢"還不行，而車又要開，另外一點在內地，你們現在應該研究過的，在哪裏呢？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Chairman, once again, we are project manager to construct the Express Rail Link and, as project manager, there has been space allowed in, room allowed in, the West Kowloon Terminus ...

田北辰議員：

內地有沒有，內地有沒有站呢？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

There has been room allowed in the West Kowloon Terminus for the construction of ...

田北辰議員：

內地有沒有站呢？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Any issues with regard to CIQ, Chairman, it is an issue for the Government. We will, of course, support them in whatever ways are necessary.

主席：

好，謝謝。

胡志偉議員，第二輪，5分鐘。

胡志偉議員：

好，多謝主席。

我看見政府也好，董事局也好，經常會收到工程的延誤、進展報告。我想問，在董事局或是政府接獲的工程延誤報告中，是否一直會收到工程造价上升的資料？是否一直會有更新的版本，知悉最新的工程造价？這些數字是否要呈交政府及董事局，作為監督高鐵工程進度的一項標準資料？

主席：

梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

As I mentioned, the Executive Committee and the Board of MTR are given information with regard to the Express Rail Link. I would further say that, particularly since 2014, we have also implemented a number of recommendations from our IBC experts with regard to reporting, as well as monitoring, and those measures to improve our existing reporting and monitoring mechanisms have been put into place.

胡志偉議員：

主席，意思是否說，於2014年4月份之前的報告中，工程成本的變化，其實不是報告中一個常設的標準項目？

主席：

梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Now, Chairman. I can say that, at the Executive Committee, there is a regular reporting of the cost of the Express Rail Link and other projects. And, in fact, this is highlighted in the independent reports as well. Up until April 2014, that reporting was showing, still, an amount of contingency for the project.

胡志偉議員：

主席，意思即是說，那些工程造價的變化，政府一直都掌握，董事局也是掌握的，不應該有突然之間的超支？

主席：

梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

I would say that the information that I have at hand shows that, up until the end ... up until April of 2014, there was still an amount of contingency in the Express Rail Link budget.

胡志偉議員：

主席，可否請港鐵公司解釋一下，因為在2014年4月之前都在說，剛才梁先生說有足夠的contingency去應付的。2014年之後到2015年，即使可能超越了我們調查的時間範圍，但是數字有了很大的變化，這個變化來自甚麼因素？

主席：

梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Chairman, as we mentioned in our paper to the Legislative Council at the end of June, there were two key factors among a number of factors that led to the increase in cost. One of those factors is what we call prolongation, which is the extension of time. At the end, back in April 2014, the Express Rail Link was still scheduled to complete on time. Prolongation and extension of time increases the cost of a project and, with that prolongation, with that extension of time, that was one of the factors. That was one of the factors that leads to the ...

胡志偉議員：

主席，是否說.....

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

... increase in cost.

胡志偉議員：

.....看之前，因為我們一直看報告，都說延誤已經超過一年的時間，當時的紀錄並沒有顯示任何工程費用的上升。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Chairman, as I have mentioned, up to April 2014, as highlighted in the independent reports, there was still a contingency in the overall project assessment and, once again, subsequent to April 2014, with the prolongation of the project now ...

胡志偉議員：

明白。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

... into the third quarter of 2018 and, related to that, the increase in construction costs, particularly labour and material, that has all led to the increase in estimated cost for the project.

胡志偉議員：

即是在2014年8月之後，剛才所說的factors才factor in?

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Chairman, as highlighted in ...

胡志偉議員：

OK，重複了，不用說了。我還想問一點。我們見到在承建商經常有，譬如禮頓 — 金門聯營、金門 — 禮頓聯營，合約編號810A就是禮頓 — 金門聯營，合約編號811B就是金門 — 禮頓聯營。我想問這樣的組合，是否等於兩張不同的contract？兩張不同的contract中間會否因為場地，即site，交場的時間引致，其實是同一間公司，只不過用兩組不同的名稱，卻出現因為交場延誤時間而影響索償的基礎？

主席：

梁先生。

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

As the member highlighted, there are different contractors for different contracts. Those two contracts that the Honourable Member mentioned are two separate contracts. I do not have details of those contracts.

胡志偉議員：

主席，我只想他澄清。因為當contractor用禮頓 — 金門聯營及金門 — 禮頓聯營，其實很明顯是同一間公司，但在合約上是否等於兩間公司？如果是兩間公司的話，是否會因為A場與B場交接時所引致的延誤，使其中一個joint venture可以claim一些工程延誤的費用？

主席：

梁先生，你能否回答這個問題？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

As I understand it, 810A and 811B are two separate contracts. Although the joint venture contractors may be the same company but then it could well be that there are different members of that ... different company would lead a particular consortium. These are separate contracts.

胡志偉議員：

港鐵公司有沒有與這兩間公司negotiate，既然兩張合約是一個相連合約，由A然後交到B，有否與他們商談變成一張合約呢？

主席：

有沒有這種可能，梁先生？

Mr Lincoln LEONG Kwok-kuen, Chief Executive Officer, MTR Corporation Limited:

Chairman, I do not have any knowledge of that procurement. That procurement was taken place ... the procurement of those contracts was taken place back in 2010 or 2011.

主席：

好，多謝梁先生今日出席協助我們委員會的工作。如有需要，專責委員會將再次邀請你出席研訊。現在你可以退席，謝謝。

請各位委員移步至會議室4，繼續專責委員會的閉門會議，謝謝。

(研訊於下午12時40分結束)